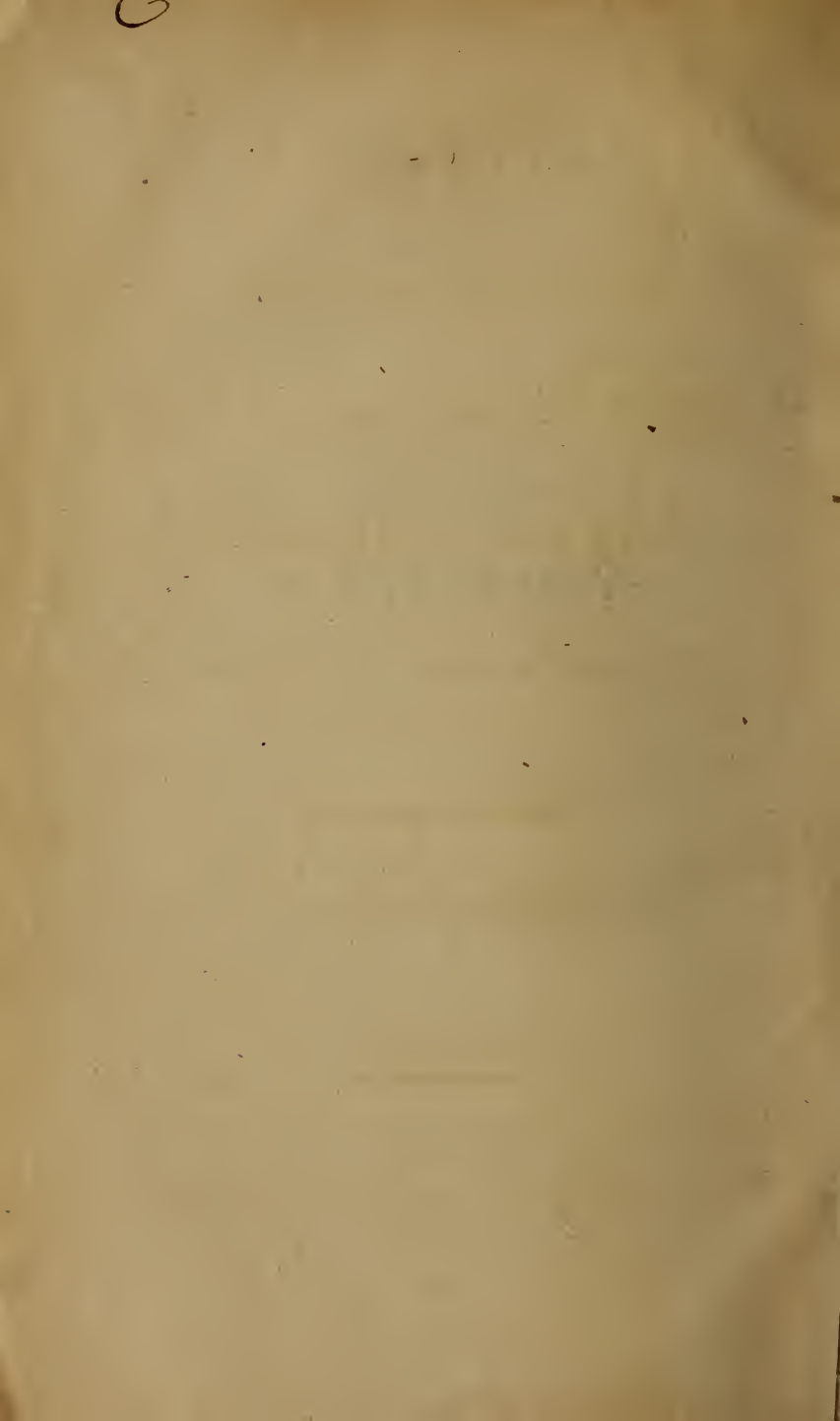


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STRICTURES, &c.



54245 STRICTURES

ON THE
NECESSITY
OF
INVIOLABLY MAINTAINING
THE
NAVIGATION AND COLONIAL SYSTEM
OF
GREAT BRITAIN.

A NEW EDITION VERY MUCH ENLARGED,
WITH AN APPENDIX, &c.

BY LORD SHEFFIELD.

(i.e.)
Sheffield, John Baker Holroyd, 1st Earl of
80499
2/10/06

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1806.



ADVERTISEMENT.

THOUGH the following pages are sent to the ADVERTISEMENT.
press as a second Edition of the “ Strictures
on the necessity of inviolably maintaining the
Navigation and Colonial System of Great
Britain,” the work is newly arranged, and
much new matter is introduced. When a
republication of the Strictures was demanded,
the opportunity thus afforded, of reviewing the
statements and doctrines advanced in that work
was not neglected. On a question which evi-
dently involved the interests of the empire,
the slightest error was to be corrected with
solicitude ; and the respect which I entertain for
public opinion, co-operated to direct my best
attention to the principles recommended to the
consideration of the country. The examination
tended, at every step, to confirm my former
persuasions. But I found as I proceeded new
questions to be discussed, new facts to be ad-
duced, and new inquiries to be made. This

ADVERTISE-
MENT.



work, therefore, has become more extensive, as well as more various. It includes all the statements, and is responsible for every principle contained in the first edition of the *Strictures* ; but it comprehends a wider view, and extends to new topics respecting trade, navigation, colonies, and maritime rights, which circumstances of almost daily occurrence seemed to render worthy of the most serious attention.


The plan of such a work should be simple, and such as would afford every facility to reference. An arrangement, therefore, is adopted more methodical and precise ; and it will be found that while such illustrations are introduced as former details seemed to require, the justice and policy of the Navigation and Colonial System, as they refer to our own and to foreign countries ; the nature, equity, and reciprocity of that system, as they refer to the West India Colonies, and the ample means possessed by Great Britain and its dependencies, of supplying, by their own produce and in British vessels, the necessary demands of the West India market,—are now stated in respective chapters, at great length, and with more ample evidence.

The great object of the Navigation Laws of ADVERTISE-
MENT. this country is maritime strength ; and, in this respect, they have lately been counteracted in their operation, not merely by suspending Acts, but by discretionary Orders of various denominations, and by dangerous concessions in favour of neutral carriage in time of war.

These topics, therefore, are considered in their place with minute attention. The doctrine and the exercise of discretionary powers have been particularly noticed ; and the recent innovations on the maritime jurisprudence of Great Britain ; the consequent frauds of neutrals, in all their mischievous effects on this nation, and all their beneficial consequences to the enemy ; the pretensions and claims which have been advanced in support of what is termed the freedom, but what in reality is the licentiousness, of neutral flags, as it relates to a belligerent ; the doctrines maintained, during the late and the present war, on the important rules of contraband and search ; and the principles laid down on the subject by the best writers on the law of nations,—have been here detailed and examined, copiously and freely, and with the care which they merited.

Many answers have been published to the

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MENT.



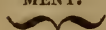
the principles maintained in the first edition * of the *Strictures*, but those answers were described to me as so little worthy of notice, either as to principles or facts, that I never read them until the demand for a second edition of the work induced me to give them a general examination. In performing this work I found, on several occasions, such an unqualified roundness of assertion, and such a bold defiance of fact and truth, as appeared to me likely to make some impression on those who were not fully acquainted with the subject discussed. Occasional consideration, therefore, is given to objections which, otherwise, I should not have thought it necessary to notice ; and such remarks and statements have consequently been introduced as seemed most likely, not merely to defend, but to strengthen and establish the principles which had been denied.

On the nature, value, and object of colonies, it was thought necessary also to make some observations. The economists of France are not wholly without their disciples in England ; and these have conspired with some of the

* Published 14th February 1804.

pretended followers of Adam Smith, to lead the attention of their readers from fact to theory, and to involve the legitimate doctrine of colonial policy in metaphysical discussion. According to one party, colonies are but extended political mischiefs, attracting to themselves the capital and the industry, and, thereby, exhausting the vital powers, of the parent country. According to the other party, colonies, as they are generally governed, are no less frequently commercial mischiefs, raised up but to be controuled by "the mean and malignant" spirit of restrictive regulation, and diverting the stream of trade into distant, dangerous, and uncertain channels. Some consideration, therefore, has been given to these opinions. General principles have been investigated; colonial establishments have been viewed in their effects; and the question, whether the commerce maintained by Great Britain with her colonies, under the prohibitory direction of her navigation and colonial system, may be considered as the cause of weakness and disorder in the political body, or as the source of affluence and power to the empire, has been here dispassionately considered and attempted to be resolved.

ADVERTISE-
MENT.




When I speak of commerce or of navigation, I speak with reference to their united effects. It is not my wish to disparage one, but to impress the conviction of the increasing necessity of both; nor is it my wish to counteract the selfishness of individuals, except when that selfishness would counteract the welfare of the empire. In a word, I would exhibit in their true light, as far as they relate to public welfare, the petty and partial views of trade, whether entertained by merchants or ministers, by Americans, West Indians, or Englishmen; and I would recall the attention of the country to those great principles of maritime policy which have so often of late been suspended or conceded, but on which it is to depend, whether Great Britain shall cease to exist among the nations, or be able to assert, support, and vindicate her independence.

SHEFFIELD.

Sheffield Place, 16th Jan. 1806.

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The Reader is requested to correct the following Errata with the pen.

- Page 29, line 1, *for every read very.*
— 30, — 22, *for 296, read 246.*
— 32, — 7, *for 583, read 533.*
— 112, — 2 *from bottom, for considerable, read inconsiderable.*
— 119, — 3, *ditto, for qu ils courent, read qu'ils ne courent.*
— 126, *the last, for 15, read 18.*
— 138, — 10, *dele they.*
— *ib.* — 11, *for served, read they served.*
— 142, — 12, *for be, read have been.*
— 153, — 10, *for were, read was.*
— 160, — 7, *for British, read American.*
— 174, — 19, *for their own, read colonial.*
— 179, — 9, *for at, read opposite to.*
— 197, — 6, *for in, read to.*
— 205, — 15, *for were, read was.*
— 219, — 2 *from bottom, for was, read were.*
— 220, — 15, *for si en, read sient.*
— 277, — 22, *for is, read arc.*

STRICTURES, &c.

CHAPTER I.

The Nature and Motives of the Discussion.

THE Navigation Laws of Great Britain afford topics of discussion equally important to the statesman and the merchant. Other subjects, the fashion of the day, may claim the speculation of the hour ; but laws which embrace principles of wide extent and national concern, and which experience has learned to regard as the support and stay of the naval strength of this nation, and as essentially interwoven with its commercial superiority, merit attention and discussions of a very different nature. Foreign countries, conceiving themselves to be injured in proportion as we prosper, have often borne unwilling testimony to the wisdom with which they were formed, and the good consequences which they produce ; for they have often struggled, by the artifice of negotiation, or by the

CHAP. I.



Nature of the
work.

CHAP. I.

insolence of menace, to induce us to relax or to renounce them. Citizen Hauterive, after having laboured to shew that they are "the original cause of the fatal preponderance of the English marine," has exercised all his powers of sophistry and misrepresentation, to render them objects of general jealousy and hostility.* America has endeavoured, by every species of management, to procure the suspension or renunciation of a most essential part of them. And the north of Europe has supplied opponents also who have tried their strength and diplomatic skill in the same field. But the very reason which has induced all these to oppose and condemn, should induce us to guard and protect the system. The object of attack on one side, should obviously become that of defence on the other; and every syllable of reprobation on this point, which is heard from abroad, should be regarded by us at home as virtual applause.

And motives,

I have frequently considered, with much attention, those laws and that system which have been so invidiously attacked; and the sentiments which I have entertained of them,

* L'Etat de la France, à la fin de l'An. 8.

and which have been long before the public, have not, as I think, been yet refuted. But new occurrences having led to new inquiries, these have confirmed and increased my former convictions. I see, more and more, both with respect to the independance and commerce of the empire, the great and national importance of the whole code ; and, as the persuasions which I am thus taught to entertain, concern a question of such serious consequence, and a question, too, which from the circumstances of the times, may become again, and speedily, a subject of negotiation, I shall freely submit them to the judgment and consideration of the country.

At a period, it is true, such as the present, when we hear from the opposite shores nothing but the menaces of inveterate and exterminating hostility, and are called on to struggle with the power and ambition of France, for our very existence as a people, it may be thought that I should rather endeavour to urge and animate the military spirit of the nation,* than to direct

* I must not allude to the noble and generous spirit which so honourably distinguishes the people of these islands, without offering a hearty tribute of acknowledgment and praise. To that spirit any direction might

CHAP. I. its attention to the laws and regulations of navigation and trade.

But, perhaps, it is at this very period, when the country is so completely and properly occupied in preparations for defence, that it is most necessary to direct the consideration of men to the subject I am to discuss, so far, at least, as to prevent any hasty decision, of which the mischief would be irretrievable, on such an important point. I foresee, as I conceive, some occurrences which may incline a false and hasty policy to suspend the principle of those Navigation Laws, on which, indisputably, our trade and our navy depend. The public dif-

have been given, which had seemed good to the wisdom of ministers, or of the legislature ; and, even if an invading army should be permitted to reach us, to that spirit, under rational direction, we may safely and proudly look for the preservation of our national independence and glory, and for the ultimate defeat and disgrace of the invader.

They who are most pusillanimous in their fears, at such a season as the present, will hardly rate a people thus animated and resolved, below the slaves of St. Domingo ; and if those slaves under every disadvantage, have destroyed or driven from that island one of the most powerful armies that was ever sent from France ; we may safely anticipate in Englishmen, conducted by able and steady councils, the successful assertors of English character and honour.

*Comparison does not in any respect hold, and
and in St. Domingo was destroyed by the French*

ficulties may encourage injurious claims and requisitions ; the same cause may induce men, in a temporizing moment, and for the sake of conciliation, to yield concession, which cannot be recalled, and as, in the midst of as full occupation as any other volunteer,* I have found leisure to state this national question in writing, I hope others may find leisure to read what I have stated.

The Navigation Laws of Great Britain, among other objects, have recently experienced the effect of the changeful and temporizing policy that has lately prevailed. Those laws were long considered as involving the permanent commercial and political interests of the state. But on too many occasions of late, they have been viewed, or pretended to be viewed, in a very different light ; and they are relaxed or suspended, not because they are defective in principle, but because it is thought necessary to yield to the pressure of immediate circumstances and interests. On these occasions they are estimated, perhaps, by some casual and partial effect which they are said to produce ; and, instead of being considered as they refer

* Commanding a legion of 1260 men.

to the general interests of the empire, they are frequently discussed with a reference to some particular object, as may suit the purpose of the moment,* or perhaps the interested views of individuals. General inferences therefore, are frequently deduced from most partial statements ;† and thus, in Parliament, and out of

* I am sorry to observe that the respectable author of the *Wealth of Nations* has fallen into this error of partial consideration. Instead of deducing his inferences from the whole result of the navigation and colonial system, he at one time, applauds the system, as it promotes navigation, at another decries it as it injures trade. He discovers only the designs of “ mean and malignant shopkeepers,” where if he had pursued the principles into their full effects, he would have traced the wise directions of true and able statesmen. The system therefore, according to the view which is thus partially taken of it, is sometimes regarded as good, and sometimes bad ; and the “ *Wealth of Nations*,” in which the whole of the consequences should have been rather considered, as the foundation of inference, may, occasionally, be quoted, and with equal force, by the best friends, and staunchest enemies of the code. See *Wealth of Nations*, B. iv. C. 7.

† There are instances enough before me, on other subjects, of management of this kind. I shall merely glance at two of them. The tonnage duty bill, during its progress through the House of Commons, gave rise to much debate ; and it was asserted, in support of the bill, that the tonnage of England was well able to bear the duty, having lately flourished beyond all former

Parliament, delusion is sometimes abetted and diffused. CHAP. I
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These considerations afforded an additional inducement to enter upon the following inquiry. I wished, as far as possible, to rescue an important subject from the misrepresentations of theoretical or commercial subserviency to passing interests and designs : and, if it be

---

example. To sustain an assertion so strong, it was attempted to be proved by figures, that this tonnage had actually increased, since the year 1792, to a great amount. But it was not stated, that this tonnage was not all British *built* ; that it was principally increased by the number of *prize* vessels which had been taken during the war ; and that, if it had been all British built, it would not, thereby, have authorized the conclusion which was drawn, because it remained, in a great proportion, utterly unemployed, and because the British tonnage which was actually employed in the year 1792, was greater, comparatively considered, than the British tonnage, so employed, even in the year 1802, the boasted period of the highest prosperity of the shipping trade of Great Britain.

*It is not  
balle ships  
we wanted  
if their  
not employ*

The other case to which I would advert, is almost equally plausible, and equally delusive. During the three years ending in 1802 inclusive, many arguments, tending to prove the rapid progression of British commerce, were deduced from papers laid before the House, purporting to state the clear amount of the annual exports and imports of Britain. That these papers were accurately drawn up, the sound understanding and indisputable correctness of the Inspector General leave



## CHAP. I.

necessary from time to time to bring back the public mind to the consideration of principles ; and, if no principles, in a national view, can be more worthy of notice than those on which depend the true commercial and maritime interests of the country, I shall not, I hope, be considered as undertaking an useless or unseasonable discussion on the present occasion.

*misuse de-  
tion of money  
to be taken  
calculation.  
admitted  
30 years  
had depen-  
near 40  
t. —*

no doubt. But the fallacy lay, not in the accounts, but in the deductions from the accounts. The sum total became the grand topic of ministerial arguments ; and, as that sum was great, the hearers were satisfied. But it was not stated that, of the imports and exports exhibited in the accounts, a considerable part was brought in foreign vessels, and had been merely landed and warehoused in England to be re-exported without payment of duties ; and that a deduction of the value of this property should have been made from the sum total of the account, in order to shew the true balance by which the prosperity of British commerce was to be estimated.



## CHAPTER II.

*On the late Suspensions of the Navigation Laws of Great Britain, and on their Effects on British Shipping, &c.*

SEVERAL Acts, directly militating against the Navigation Laws, have been passed within a few years; and it may be necessary briefly to enumerate some of them, before I proceed to argue on the impolicy by which they were dictated, or with which they may be renewed.

CHAP. 2.

Exposition of  
the late Suspension Acts.


The law commonly known by the name of <sup>35 Geo. III.</sup> the Dutch property Act, and which very much extended the privileges of neutral bottoms, was passed in the 35th of George the Third, for the avowed purpose of securing the property of the Dutch Emigrants.\*

In the next year, the 36th of George the <sup>36th c. 17 Do.</sup> Third, c. 17, an Act was passed, giving power

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\* This act, though completely temporary in its object, laid the foundation of, and furnished the pretence for the subsequent Acts, by which such objectionable and unnecessary powers were given to Privy Councils, &c.



CHAP. 2.  to the Privy Council to permit all vessels, under the same pretence, to bring from any country goods of any sort, which, according to the Navigation Laws, could be imported only by British Ships, duly navigated, or by ships, duly navigated also, of the countries from whence the goods were brought.

According to this law, all merchandize imported in foreign ships was to pay no duty, until taken out of the warehouse for consumption, though the like merchandize, if brought in British vessels, was charged with duty immediately on importation. Here, then, was a manifest injury to the British merchant. Yet if British ships had been permitted to enter their goods under the same power, there would have been still greater mischief in the regulation: for, in such case, we should have had no British ships duly navigated; or, at least, those which were not duly navigated, and foreign vessels, would have still enjoyed superior advantages, because they could have more easily completed their crews, and at lower wages.

These Acts of the 35th and 36th were further continued by the Acts of the 39th and 40th of the King, until the 1st of January, 1804; and



finally, an Act passed in the 42d of the King, CHAP. 2.  
 to terminate also in the year 1804, for repealing these several Acts, or such of them as had not been previously repealed, and for enabling the Privy Council to permit goods to be imported in ships of any country, of not less than 100 tons, or in British ships navigated according to law, from any part of America or the West Indies, not under the dominion of his Majesty.

For these laws there was not even a pretence, but such as referred to temporary circumstances. Pretended  
Object of the  
Acts.

During the late war, when, in consequence of the disturbed state of the greater part of the two hemispheres, a very considerable portion of the produce of the world was likely to be brought into this country for safety, or for a market, it was thought adviseable, for the present, to suffer all goods to be imported in neutral ships: and, in consequence of circumstances which will be hereafter noticed, a large importation took place of the product of the countries at war, as well as of *neutral nations*; and the goods were permitted to be warehoused, both for *home consumption* and re-exportation.



## CHAP. 2.

Impolicy and  
Mischief of  
the Acts.

But, though the laws to which I allude may have arisen, in the whole, or in part, from such principles or such pretences, they are not, therefore, to be vindicated. Some of them afforded great advantages to foreign ships, in permitting articles of merchandize to be stored, which they did not allow to British vessels; and all of them, in principle, obviously amounted to a complete suspension of an essential part of our navigation code, and were admitted, I should think, through laxity of principles, and want of perception of the true spirit of that system. They were favoured, indeed, by the idea, that merchandize could not be brought into this country without leaving something behind on re-exportation. But here ends the apology which is to be offered for them; and why any of them should have been allowed to continue in force after the peace, and till 1804, I think it will not be easy to assign a reason.

These Acts, if they augmented the quantity of merchandize brought to this country, certainly increased, in a very unnecessary degree, the quantity of foreign tonnage employed in our carrying trade; and all the advantages



thus held out to foreign shipping, were peculiarly calculated to establish that trade in the hands of the Americans, on the conclusion of the war, when such a number of transports, and so many ships, seamen and artificers, were to be discharged from the public service as would be fully equal to the carrying on of the whole of our commerce. Under such circumstances, therefore, what was to be the probable result? Those ships were to be laid up, by discouragement, in our ports to rot, and those seamen, together with the numerous classes of persons occupied in ship building, were to be dispersed abroad in search of employment, and many to be seduced into the service of other nations, or to pass over to America, and, consequently, they and their progeny to be lost to their native country for ever.\*

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\* This circumstance occurred. Multitudes of our sailors, within six months after signing the preliminaries of the last peace, entered into the French and American service; and it was stated, I am informed, to a person in a very confidential situation, that nearly ten thousand of those useful men emigrated at that time. For these there may be said to be no return. They are so prudentially scattered in the service into which they enter, that they are furnished with little opportunity of escape,



## CHAP. 2.

The mischievous effects, indeed, of these measures, were soon felt, and had been early foreseen. The most respectable meetings of merchants were held from time to time, and very proper representations have been laid before the minister and the public, in which it is strongly stated, that many ship-owners, no longer being able to freight their vessels, were obliged to charter them to any foreigners that would take them, at a very low price; and that many ships, of great value, to the amount of an immense quantity of tonnage, and some of which cost their owners from 15,000*l.* to 20,000*l.* each, were left unoccupied, and continued decaying in harbour.\* It is no wonder,

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if they were inclined to do so. They who are acquainted with the cases that occur in our courts of Admiralty, are sufficiently informed of the great number of English seamen, which are found on board the American ships captured or detained; but the consideration is more afflicting that many of those brave, but unfortunate sailors, who were driven, as has been observed, from their own country, in search of employment, are at this moment, probably, mingled with the crews of the French ships of war, and compelled to point the guns of an enemy against their own countrymen.

\* In May and June 1802, the shipping on sale in the Thames amounted to nearly 40,000 tons. And yet



therefore, that property in shipping experienced great depreciation. Not a few, who embarked their capitals in that property, have suffered severe losses. Speculation was cramped and deterred. And we, who have been invidiously termed the carriers of Europe, had no longer the means of keeping in employment a large quantity of shipping then on hand, and which were likely to rot in the ports where they are laid up.\*

CHAP. 2.

It could not be otherwise. The British ship-owner, in time of war, cannot support a competition with the foreign, compared with whom he may be justly said to sail, at such a time, under a disadvantage of from 35 to 40 per cent. The foreign ship-owner is at less expense in the outfit; he procures provisions and stores at a moderate price; he labours under no excessive taxation; he has to wait neither for crew nor convoy; and is enabled to employ his seamen, in the various business

Comparative  
view of the  
expenses, &c.  
of British and  
foreign ship-  
building.

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this is the period at which our shipping trade was said in parliament, and elsewhere, to have acquired its greatest prosperity. See Appendix, No. 1.

\* See Case of the Owners of British Ships, &c. published 3d December, 1803.



CHAP. 2. of his vessel, as well in port as at sea. But to the British ship-owner all these circumstances are reversed. He has to pay high taxes and high wages; the general expenses of his trade are said to have increased 70 per cent.; he is obliged, from the different habits of British seamen, to engage, at from five to six shillings a day, labourers and riggers, as well in landing as receiving his cargo; and, notwithstanding all these depressing circumstances, his freight, as may appear from the following statement, relating to two great articles of carriage, can scarcely be said to have advanced since the year 1780.

*Rates of Freight on Sugar and Rum from 1780 to 1804.*

| Years. | Sugar. | Rum. | Years. | Sugar. | Rum.  |
|--------|--------|------|--------|--------|-------|
|        | s.     | d.   |        | s. d.  | s. d. |
| 1780   | 8      | 9    | 1793   | 5 6    | 8     |
| 1781   | 8      | 9    | 1794   | 8      | I     |
| 1782   | 8      | 9    | 1795   | 9      | I     |
| 1783   | 8      | 9    | 1796   | 9      | I     |
| 1784   | 4      | 6    | 1797   | 9      | I     |
| 1785   | 4      | 6    | 1798   | 9      | I     |
| 1786   | 4      | 6    | 1799   | 10     | I     |
| 1787   | 4      | 4    | 1800   | 10     | I     |
| 1788   | 4      | 6    | 1801   | 10     | I     |
| 1789   | 4      | 6    | 1802   | 6      | 8     |
| 1790   | 4      | 6    | 1803   | 5      | 6     |
| 1791   | 4      | 6    | 1804   | 9      | 10    |
| 1792   | 4      | 6    |        |        |       |



It will be readily admitted, from a consideration of these circumstances, that the British ship-owner labours under several disadvantages, from which the foreign ship-owner is exempt; and that competition, accordingly, must be as injurious to the first, as profitable and successful to the last. When the Acts of Suspension, therefore, opened the British and Colonial ports to neutral bottoms, the foreign merchant availed himself with avidity of the occasion; and the principal harbours of the empire were speedily crowded with foreign shipping. The carrying trade of England proportionally suffered.\* An immense freightage was lost; and, at the very period when the imports and exports of Britain had, from various circumstances, considerably increased, the tonnage of Britain actually employed, and which ought to have advanced in the same

Consequences  
to the British  
Ship-owner of  
foreign com-  
petition, pro-  
moted by the  
Suspending  
Acts.

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\* These circumstances are of such public notoriety, that any further detail on the subject would be, perhaps, unnecessary and idle. I shall beg leave, however, to insert in this place an extract from a letter, with which I have been favoured by a merchant of great eminence and indisputable veracity.

“ April 28, 1802.

“ The latter end of 1799 I purchased two ships about 500 tons burthen each, one of which, built in the river

C.



CHAP. 2. proportion, experienced a great and alarming decline.\*

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Thames, about the year 1796, cost 9,400l. in the river, and to sea 10,500l. In consequence of the peace, both ships are without employ; and I have endeavoured to sell the ship to which I allude, but without success, for 6,000l. I wrote to Holland; the answer is, that the ship is built too sharp for their harbours. I then wrote to France; the answer (and to which I beg to draw your Lordship's attention) is, that they have established a Navigation Law, on the same principle with our Act, and, therefore, that *a foreign ship cannot be employed in the trade of France*. And I have since been informed, that the French have converted their privateers into traders, and are determined that the trade shall suffer for a time, rather than the more favoured objects of ships, ship-building, &c. should be checked."

\* In "The Vindication," lately published by Mr. Alley, "of the Principles of Commercial and Colonial Policy advanced in the Strictures," (first edition), the general interests of the British marine have been very minutely and accurately considered. The increase of the tonnage of England, in the three years ending in 1801, had been confidently stated as affording an ample proof of the advantages resulting from the Suspension Acts to the shipping trade of Great Britain. Mr. Alley, however, (Vindication, Part 2.) has clearly proved, that the very tables which were brought forward to support this statement, demonstrate, on the contrary, an alarming diminution in the tonnage of England actually employed at the period mentioned. He compares, from the tables above alluded to, the



Another mischief issued from the same cause. During the continuance of the late war, the seamen, whether English or foreign, and there were many of the latter, which were engaged in English vessels, had various inducements to embrace the first opportunity of entering into the neutral service, in which they knew they would no longer be liable to be pressed, nor to be made prisoners of war. The Acts of Suspension furnished them with the opportunity which they sought. The fleets of foreign vessels, which every tide brought into our ports, offered them a safe and ready asylum. Multitudes were in this manner carried away, and the British ship-owner, even if the demand for shipping had still continued, would, in many cases, have wanted crews to navigate his vessels.

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number of vessels employed in the three years ending in 1792, and in the three years ending in 1801; and it evidently appears that the number employed in the three last years, that is, when the Suspension Acts were in full effect, was less, to a great amount, than the number employed at the former period, when the Navigation Laws were in force.

This work has saved me in many places the trouble of minute discussion, and I shall have occasion to refer to it again.



## CHAPTER III.

*On the Origin and Progress of the Navigation System, and on the Effects which the Suspensions of the System have produced on the several Branches of the Marine, and especially on English and American Commerce.*

## CHAP. 3.

The origin and Progress of Navigation, and Colonial System.

THE Navigation System of Great Britain has not been the work of an hour, or of a day ; but has its decided sanction from experience and from time, and has been brought to maturity by the growth of centuries. We are told of the vigour of Cromwell, and the animosity of St. John \*, and resentment against the Dutch. But the Navigation Laws of England had a much earlier commencement ; and the principle on which they were founded is to be traced

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\* St. John, having brought proposals to the Government of Holland, which were haughtily refused, and having been, besides, as he thought, personally insulted by the States, loudly and effectually solicited the English Council of State to pass the noble Act of 1651. Ludlow's Mem. Vol. i. p. 345.



in the early maritime systems of Europe, and was adopted not only in our charters for founding Colonies in America, but long before those charters were in existence. The celebrated navigation code of Venice and Genoa, at the time those wealthy republics enjoyed comparatively the commerce of the world, collected in the Consolato del Mare, was very early introduced,<sup>2</sup> and seems almost the original of the English system. It was evidently a very great extension of, and improvement on the maritime system of ancient Rhodes, whose naval laws were so far distinguished as to have been adopted by the Romans. Even so far back as the 5th of Richard the Second, it was ordained, "that no merchandize shall be shipped out of the realm, but in British ships, on pain of forfeiture;"† and, though, subsequent to that period, for about one hundred years, in consequence of the civil wars between the Houses of York and Lancaster, there was little attention paid to maritime regulations by the policy of the times, the principles of the Navigation System occupied the care and attention of succeeding legislatures, until they

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† See 5th Rich. II. Stat. i. c. 3. 14th Rich. II. c. 6.



CHAP. 3. were completely arranged and established in one salutary code.\*

In 1646, the first Act was passed for more effectually securing the trade of the British Colonies in the West Indies to British shipping. In 1651, the Act, commonly called Cromwell's Act, was passed; and another Act was passed in 1660, for the encouragement of British Navigation, but incomparably better digested, and of more extensive import. This Act, by which the most decisive protection was afforded to the carrying trade and shipping interests of the empire, has been justly termed by Sir Josiah Child† the *Charta Maritima* of England; and Pensionary De Wit speaks of it as likely, in its operation, "to deprive Holland of a great proportion of its trade." It is especially and most wisely provided by this Act, that the Dutch merchants, who had

\* Rymer's *Fœdera*, Tom. iv. p. 361, and the 1st of Henry VII. c. 8. 4th Henry VII. c. 10, and 5th Eliz. c. 5, sec. 8.

† "Without this Act," says Sir Josiah, "we had not now (1688) been owners of one half of the shipping and trade, nor should we have employed one half of the seamen which we do at present."

‡ The Interests of Holland. Chap. 22.



hitherto been openly employed as agents or factors in the British Colonies,\* “ shall no longer exercise the occupation of merchants or factors in those places.”

CHAP. 3.

From that moment the foreign outcry against that Act was heard. By the Dutch, who had, in a great degree, monopolized the carrying trade, it was termed “ a vile Act and Order † ; and by the French it was loudly opposed and decried. But the same spirit and wisdom by which they were planned continued to maintain them ; and the time, I trust, is not at hand, when they shall be renounced or suspended, by a temporizing policy, to quiet foreign solicitation, or foreign menaces.

It has, I know, been intimated by the author of the *Wealth of Nations*, that this system has not been so advantageous in a commercial view as has been maintained ; and it has been even recently asserted that “ the preponderancy of

Effects of the  
System on the  
Marine of  
Great Britain.

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\* “ These men,” says Anderson (*Hist. Commerce*, Vol. ii. p. 455), “ had entirely frustrated, by the trade which they carried on, the original intent of our planting those Colonies, viz. to be a benefit to the mother country to which they owe their being and their protection.”

† Ludlow's *Memoirs*, Vol. i. p. 345.



CHAP. 3. the English marine was established and ascertained half a century before the Navigation Act had passed." Yet it is an indisputable fact, that the shipping of England had even declined from the reign of Elizabeth. Sir Josiah Child has informed us, that, in the reign of Charles the First, England could not furnish more than three merchantmen of three hundred tons; and it is of historical evidence that, at the same period, the Dutch vessels trading with our Colonies considerably outnumbered our own \*. Whereas, no sooner had

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\* Such was the state of our marine during the reign of Elizabeth, James the First, and Charles the First, that it was found necessary to encourage ship-building by large bounties. "In the reign of Elizabeth," says Mr. Alley, in the Vindication already quoted, "it was thought expedient to offer bounties to the builders of all vessels of 100 tons. James the First contributed considerable sums to encourage the same indispensable purpose. And Charles the First gave a bounty of five shillings a ton for every vessel of 200 tons. But the progress of ship-building was still extremely slow. It, therefore, remained for the wise and exclusive regulation of the Navigation Laws, to extend with unexampled rapidity and success the tonnage of England; and such has been the consequent change in our measures, that what was once the object of high and stimulating bounties, has become an object of profitable taxation." Vindication of the Principles, &c. p. 27.



the vigorous and manly policy been adopted, of asserting and assuming the advantages which our locality and other circumstances presented, than the revolution commenced, which, in less than thirty years, more than doubled the trade and shipping of England; and which has since secured naval superiority to Britain, and established a mercantile, and, consequently, a military marine, greater, perhaps I might be permitted to say, than all Europe has ever yet possessed.\*

CHAP. 3.

Looking to these circumstances, I might be allowed to deprecate all suspensions of a code so necessary and important. But there are other circumstances, of present and perpetual import, also to be weighed; and, to the authority of law, we may add the yet greater authority of decisive and existing facts.

England, it is obvious, from her insular situation and her commercial pursuits, depends

Importance of the system to the Marine of England.

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\* By the accounts taken in the year 1801, or very shortly before, of the British ships registered in the different parts of the empire, it appears that the number of vessels owned and navigated by British subjects then amounted to 17,295, that their tonnage amounted to 1,666,481 tons; and that the number of seamen which they employed, on an average of one man to every twelve tons, amounted to 129,546!



CHAP. 3. on her marine. In England, therefore, the manufacture of ship-building must be yet more essential even than that of wool; and the encouragement, consequently, of the various artificers occupied in that manufacture, and the constant and extensive employment of seamen, are necessarily connected with the national welfare, in all its great and predominant interests. In this view, then, the Navigation Laws acquire peculiar importance. Holding out every inducement as they do to naval artists, and, by their restrictions in favour of British vessels, securing, at all times, profitable employment to seamen of every description, and in almost any number, and therefore providing on emergency, for an ample supply of sailors for the navy, they tend to augment the national wealth, and virtually afford security both to national wealth and national independence.

Consequences  
of the viola-  
tion of the  
system on ma-  
ritime power.

Of laws thus various, and valuable, in their plain and acknowledged consequences, the violation cannot but be injurious to the real welfare of the state. It may, for a little time, perhaps, bring a few additional foreign vessels to our ports, and yield to commerce a momentary and precarious advantage. But it cannot



produce even this effect, without diminishing, as we have seen, the employment of British artists, mariners and shipping; that is, without opening the whole trade of the country to foreign vessels, which should be confined to our own. It will therefore be considered whether the unsteady advantage, whatever it may be, of the violation, can, in any degree, counter-balance the certain and permanent injury resulting from it.

At best, and under all the operation of our Navigation Laws, it is not easy to retain our seamen and our naval artizans, and to equip such a force. It generally requires two years of exertion and of war to put our navy on an adequate footing; and the want of sailors is occasionally so great, that we can scarcely supply our fleet by the harshest measures, and sometimes many of our vessels are laid up through the want of crews. If the sailors and shipwrights, then be discouraged, as they must be by those suspensions or infringements which I combat, the consequences cannot but be mischievous in the extreme. The enemy may be at our doors before we shall be prepared to resist; and the boasted bulwarks of England



CHAP. 3. become little more than dismantled and useless hulks.

And on British and American tonnage.

It has, I know, been argued that, on mere commercial considerations, the suspension of the Navigation Laws might be an useful and profitable measure ; and this assertion has been sometimes, founded on the supposed necessity of encouraging the Americans to build ships for us, in order that they might be enabled to pay for the manufactures with which we supplied them. But in what does this necessity exist ? There would be equal reason to allow the Dutch, or the Spaniards, the same advantage, with the same view. Our manufactures require not to be disposed of at the expense of our marine ; and the industry of Manchester, Sheffield, and Leeds can be more effectually promoted than by acts discouraging to the interests of ship-building. Experience itself has already decided on the measure ; for the consequences of this very encouragement have been already felt ; and, as long as it continued, not only were the numerous classes of artificers connected with ship-building known to emigrate in much greater number than those of any other manufacturer, but, as we shall soon



see, other and every serious mischiefs were found to arise. CHAP. 3.

The following statement, produced with exultation by the Americans themselves will, in this instance, have its weight. It will serve generally to evince the danger of tampering with salutary laws ; and it will prove that, as the quantity of British tonnage occupied in the American trade declined, under the system that has been pursued, that of America uniformly and proportionally increased.

*Account of British and American Tonnage, &c.*

|                      |   |   |         |
|----------------------|---|---|---------|
| 1789 British tonnage | - | - | 72,000  |
| American ditto       | - | - | 21,000  |
| 1800 British ditto   | - | - | 14,000  |
| American ditto       | - | - | 110,000 |

Nor, in the above instance, at least have the Americans exaggerated their commercial success. The following account, which was laid before the House of Commons in 1802, will verify the fact.



**CHAP. 3.** *Account of the number of vessels, with their tonnage, which cleared inwards and outwards between Great Britain and the American States, in the following years :*

|               | British.      |                 | Americans.    |                 |
|---------------|---------------|-----------------|---------------|-----------------|
|               | <i>Ships,</i> | <i>Tonnage,</i> | <i>Ships,</i> | <i>Tonnage.</i> |
| 1790 Outwards | 245           | 50,977          | 218           | 39,441          |
| Inwards       | 312           | 64,197          | 246           | 45,234          |
| 1791 Outwards | 253           | 55,328          | 291           | 55,806          |
| Inwards       | 247           | 53,102          | 318           | 62,253          |
| 1792 Outwards | 223           | 50,963          | 285           | 59,414          |
| Inwards       | 197           | 42,035          | 313           | 64,035          |
| 1799 Outwards | 57            | 14,267          | 354           | 78,683          |
| Inwards       | 42            | 9,796           | 343           | 75,225          |
| 1800 Outwards | 62            | 14,381          | 507           | 112,596         |
| Inwards       | 77            | 27,144          | 550           | 124,015         |

Thus, in the course of a very few years the number of British vessels employed inwards, in one branch of trade, has declined from 312, to 77, and the number of American vessels, so employed in the same branch, has increased from 216 to 550. In a late official paper,\* however, a statement is made which is not less calculated to excite the caution of the English legislature, and to shew the importance of the trade which

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\* Memorial, on the subject of American intercourse, presented by the House of Assembly of Jamaica, to the Lieutenant Governor, dated 20 April 1805.



has been suffered to decline. From this paper, CHAP. 3.  
 I shall avail myself only of the admissions  
 contained in the following extracts.

“ It must be acknowledged that, by former measures, the carrying trade between America and the British West India colonies, was for a time secured to the British ship-owners, *and that they were computed to get annually about 245,000*l.**

“ We shall take two periods, very distant from each other, to shew the nature and extent of our demands from America. The Schedule No. I. contains an account of the imports from North America, into the British West India Islands, in 1771, 2, 3. *The articles composed 1200 cargoes annually, and were estimated to be of the value of £.720,000 sterling, or £.1,008,000 Jamaica currency.*”

The Schedule No. II. exhibits a similar account for the years 1802, 1803, of the importation from the United States of America and the British dominions, in North America, amounting, according to a very accurate valuation, to £1,249,073.”

“ The Schedule, No. III. contains an account of our exportation to North America. And from these authentic documents it will be



CHAP. 3. found, *as might be expected*, that, of this supply, *less than one twelfth part comes from his Majesty's Colonies in North America, and that six seventh parts of what we procure from the United States is imported in their own shipping.*"

"We shall admit that the number of vessels mentioned by Mr. Stanley (<sup>3</sup>5~~8~~3) now carry on the increased supply, and it will be found that 456 additional British vessels must enter immediately into the American trade to prevent the actual ruin of this country."

"No person in the least acquainted with commerce but must admit that twice that number" (I suppose 533) "will be requisite, if our wants are intended to be supplied by means of ships making circuitous voyages once a year from Great Britain."

These admissions are very explicit, and of great force. They plainly evince the commercial amount of the trade which has been resigned by Great Britain, and gained by America; but what has been the political loss sustained, in consequence, by England, what has been the depreciation of her shipping, or the diminution of her seamen, or the injuries suffered by her artizans, would be perhaps incalculable.



It is already sufficiently, evident that the policy of Great Britain has not, in these instances, been *illiberal* to America; and it will not be denied that, while the claims of the Americans were listened to, England has inflicted, by every deviation from her old and wholesome laws, serious injury on that trade, which, in wiser times, has been cherished as the most abundant source of political consequence, and national wealth.

The Americans, indeed, have not forgotten to comment on British folly; and they seem to have become not a little sarcastic on the occasion, without recollecting that their sarcasm might be instructive. While they dwell on the weakness which has presumed to tamper with the Navigation Laws of England, they complacently inform us that America was busy in forming and maintaining a Navigation Act of her own: while, as patriots, they enjoy the prospect of the increasing prosperity of their country, they triumph, as rivals, in the decline of Britain. "Think of this," says one of them, "think of this, ye sages of Britain, and if you can account for the phenomenon on any other principle than the superior policy of my country, it is more than I can!"



## CHAP. 3.

It is true, the policy of America has not been unwise; it affords a striking contrast to our weakness; and virtually reproaches us for our neglect of all sound and rational principles. Yet, if we be thus reminded that, at the very moment when we were renouncing to the Americans our carrying trade, they were active, by all possible restrictions, to exclude us from theirs; we should also recollect, and be instructed by the recollection, that our liberality was but that of the prodigal who gives without return, and who enriches others to impoverish himself.\*

It may be useful as well as curious to consider this subject a little more minutely. In the

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\* It was found expedient," says General Smith, in the debate in the Lower House of Congress on the 16th December 1801, "to adopt a system pursued by other Nations, in laying such duties as would discriminate between our own and foreign tonnage, and the measure operated like a charm: for, contrary to the expectation of most men, our tonnage doubled in a short period, and we will not only very soon be able to carry all our own produce, *but to enter largely into trade abroad.*" Very true, but their tonnage was *doubled* at our expense; and we most amicably laboured in unison with themselves, and to our own injury, to enable them to *enter largely into trade abroad.*



year 1800, a census was taken, and returned to Congress in the year 1801; according to which the progress of the tonnage, commerce, and revenue, of the United States, was found to be as follows :

CHAP. 3.  
A more particular view of the subject.

|                       |       | Tons of Shipping. | Men.   |
|-----------------------|-------|-------------------|--------|
| In 1800               | - - - | 939,000           | 563,40 |
| In 1790               | - - - | 450,000           | 27,000 |
| Increase in ten years |       | 489,000           | 29,000 |

#### COMMERCE AND REVENUE.


| The American produce exported in | Dollars.       |
|----------------------------------|----------------|
| 1800, amounted to                | - - 32,000,000 |
| Ditto in 1790                    | - - 14,000,000 |
| <hr/>                            |                |
| Increase in ten years            | 18,000,000     |

| The foreign commodities brought<br>into the country for re-exportation | Dollars.   |
|------------------------------------------------------------------------|------------|
| in 1800, amounted to - -                                               | 30,000,000 |
| Ditto in 1790 - - -                                                    | 2,000,000  |
| <hr/>                                                                  |            |
| Increase in ten years -                                                | 28,000,000 |

|                                     |            |
|-------------------------------------|------------|
| The revenue in 1801 is estimated at | 11,000,000 |
| Ditto 1789 amounted to - -          | 6,124,000  |
|                                     | <hr/>      |
| Increase in eleven years            | 5,235,000  |

This is a splendid view of rapidly progressive prosperity. But it was in this very period of



CHAP. 3.  ten years that our carrying trade with America most rapidly declined ; that our tonnage employed in that trade fell, according to the American account, from 72,000 to 14,000 ; that the suspension of our Navigation Laws operated principally in favour of the United States ; that we even opened to them a free trade with the British Settlements in the East ; and that we *anticipated* their expectations on the subject of “ the abolition of the duties, and of the countervailing duties, permitted under the treaty of 1794.”\* Shall it, then, any longer be said, that Britain has not cherished this thriving branch of American prosperity at the expence of her own welfare.

I do not mean to decry the policy of America ; it is the natural policy of nations. I do

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\* “ We find,” says Mr. President Jefferson, in his address to Congress on the 15th December 1802, “ in some parts of Europe, monopolizing discriminations : which, in the form of duties, tend effectually to prohibit the carrying thither our own produce in our own vessels ; but it is with satisfaction I lay before you an Act of the British Parliament, *anticipating* this subject, so far as to authorise a mutual abolition of the duties and countervailing duties permitted under the treaty of 1794. It shews, on their part, a spirit of moderation and justice,” &c. &c. We shall soon see what this *moderation* and *justice* were.



not mean to lament her prosperity, ; it is a prosperity at which she has a right to aim. But I am not, therefore, willing to shrink from exposing the weakness of sacrificing to that prosperity, from any affected or false notion of liberality or conciliation, the laws, the rights, and the welfare of Britain. If we were even indebted to America for exclusive favour and kindness, we should not renounce the means of sustaining the trade and independance of Great Britain. To sacrifice that which concerns the existence of a nation, must be very absurd and very criminal. The Americans, however, as we have already seen, take care, day after day, that we shall not be in their debt. Their policy looks not to confer, but to receive. They negotiate and they obtain, and they then talk of “ *liberality* and *justice* ; but, while donation is considered and stated as equity, they leave to us the ambiguous praise “ of anticipating their expectations,” and reserve for themselves the solid advantages of a menacing and successful negotiation\*.

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\* I should not state myself thus without reason. The war which has been rekindled in Europe has afforded the Americans the opportunity of making new acqui-



## CHAP. 3.

The Suspend-  
ing Acts not  
the causes, as  
has been al-  
leged, of the  
late increase of  
the imports  
and exports of  
Great Britain.

It is pretended, by some of the late opponents of the Navigation System, that the exports and imports of Great Britain were considerably increased, under the operation of those very abrogations and suspensions which have been here condemned; and abundant tables have been made up to justify the assertion. But the facts which I have stated neither have been, nor can be, justly questioned; and the increase of trade, which has been attributed to the suspension of our laws, has evidently

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tions, to which, at any other period, neither France nor Spain would have consented; and the menacing attitude in which they placed themselves, seems to have succeeded admirably to their wishes. They have given sufficient hints of what may be expected from them, and we should therefore be on our guard. A late report on the subject of Louisiana and the Mississippi, after stating, in an imperious tone, the absolute necessity of acquiring that immense country and river, says, very deliberately, that the Floridas, too, must be, at one time or another, annexed to America, by purchase or by conquest." I hope we are not yet in the situation of being told, that Jamaica is also necessary to the *arrondissement* of their policy.—In this instance, the scholar has improved upon his master; since Buonaparte, even in his *familiar* conversation with Lord Whitworth, did not presume to say more than that "sooner or later, Egypt would belong to France, either by the falling to pieces of the Turkish Empire, or by some arrangement with the Porte."



arisen from very different causes. The whole Continent, at one period, agitated or dismayed, and either engaged, or apprehensive of being engaged, in an unprecedented warfare, looked to England as a place of safety for the storage of their merchandize, or as a place of supply, for articles which were not elsewhere so advantageously to be obtained. At the same time, almost the entire produce of the French and Dutch, as well as of the British West Indies, centered in the hands of British merchants. These, therefore, and not the suspensions of the Navigation Laws, were the causes of the temporary augmentations which took place in the exports and imports of this country; and the suspensions, probably, did little more, on the occasion, than transfer to foreign bottoms the carriage which would otherwise have remained with British vessels.

The augmentation of trade which has been here mentioned, was very irregular and fluctuating in its progress\*. Originating in the

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\* In the year 1797, the imports into Great Britain, according to the old Custom-house valuation, fell short of those of the year 1796 to the amount of £2,743,161. 5s. 7d. and the exports from Great Britain to the amount



CHAP. 3. war, with the varying circumstances of the war, it advanced or declined. The Suspending Acts, in no respect, can be justly said to have created or governed it. The sole advantage which they were even designed to produce, at the time, was to afford some facility to the importation into Great Britain of the goods of nations involved, or likely to be involved, in the general warfare. But, even in this particular, they were of little advantage. If they had never existed, it is most probable that those goods, sooner or later, would have found their way into this country; and, in the mean time, our accustomed trade would have been carried on, not as was, in a great degree, the case, in neutral bottoms, but in English vessels, navigated according to law. It would seem, then, even from these considerations, that

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of £2,199,116. 17s. 10d. In the year 1801 they exceeded those of the preceding year to the amount of £3,138,311 2s. 3d.; and in the year 1803 they sunk below those of the year 1802, according to the valuation under the Acts of the 42d and 43d of his Majesty, to the amount of £8,399,813.

See Accounts of the Trade and Navigation of Great Britain laid before Parliament the 23d of March 1804.



the Acts of Suspension, from which so much CHAP. 3.  
 advantage has been said to result, have been  
 unprofitable and unwise ; but, if we add to the  
 decline which they occasioned, in the British  
 carrying trade in Europe, the loss which they  
 occasioned also in the British trade in the  
 West Indies, and the consequent losses sus-  
 tained in the discouragement of our seamen,  
 artizans, and ship-wrights, it will be admitted  
 by intelligent and disinterested men, that they  
 have proved, on the whole, and even on a mere  
 mercantile estimate, injurious to the commer-  
 cial prosperity of England.

Admitting, however, for a moment, that they  
 may have produced some transient commercial  
 advantages, by opening the ports of Great Bri-  
 tain and the West Indies to neutral vessels, what,  
 at best, will be their vindication ? They may  
 have produced a casual augmentation in the  
 exports and imports of Britain, and have added  
 something to the annual receipts of the Cus-  
 tom-house. But if, for these comparatively  
 insignificant advantages, the high interests of  
 navigation have been overlooked, and trade,  
 in all its great national and political results,  
 has materially suffered, we should no longer  
 have reason to boast, that the old and whole-



CHAP. 3. some principles of the Navigation and Colonial System have been set adrift, for the new and hazardous experiments of Suspension.

Even on the supposition that these Acts of Suspension were, in any respect, necessary, as they referred to the property of the nations at war, it will not be easy to explain why, when we had so many vessels decaying in our ports, the supply trade of the Colonies should also be resigned. Was it because we wished to extend trade in import and export, in one quarter of the world, we were, therefore, to renounce a trade of import, export, and carriage, in another? Or was it because prudence was thought to require the extension of the privileges of neutral bottoms in Europe, it was, therefore, necessary, with such eager prodigality, to open the ports of our West Indian colonies, to foreign intercourse, carried on in foreign vessels?

That there are, nevertheless, West India merchants and planters, some of them of opulence and respectability, who adopt the views and patronise the claims of America, is sufficiently known. Impressed with mistaken or interested notions of temporary advantage, they do not even pretend to conceal their opinion,



that free ports and free trade, to adopt their own expression, are absolutely necessary to English and Colonial welfare ; and they are sedulous enough to diffuse these principles as wide as they can, by agents whom they pay, or by committees which they nominate. But this junction of interests cannot alter either fact or truth. The demands of a few designing or speculative men are not to be listened to, when they are hostile to the general welfare ; and though some benefit might accrue, which however, we shall soon see cannot be obtained, from the measures proposed, I should yet maintain, what long experience and repeated information have taught me to believe, that the policy of excluding foreign shipping from our colonies, and, in truth of the whole navigation system, is founded on the clearest right and most perfect wisdom.



## CHAPTER IV.

*On the Policy of the Navigation Laws with respect to foreign nations, particularly France, Sweden, Denmark, and America, and to the maritime prosperity of England.*

## CHAP. 4.

The right of  
nations to  
frame Colonial  
and Naviga-  
tion Laws

IN many instances of late, as I have already observed, foreign writers have been anxious to decry the Navigation Laws of England, as injurious to the welfare of surrounding nations. Prejudice, passion, partiality, and interest, have all conspired to excite much ill-will, and abundant jealousy, on a question which, if fairly stated, would produce no such effect. It is not merely America; it is not merely the North of Europe, that has promoted discussions of this nature. The government of France has particularly encouraged and inflamed such discussions in other nations; and one of its most sophistical and determined agents, Monsieur Hauterive, secretary to Monsieur Talleyrand, secretary for foreign affairs, having been employed on the subject, the *commercial crimes*




of Great Britain, and the *monstrous depravity* of her commercial laws have been detailed in a fallacious volume to all Europe. It may not, therefore, be improper to enter a little into the inquiry which thus suggests itself ; and, if error and prejudice have gone abroad, on a topic which so immediately concerns the character and welfare of this country, I hope I shall not be censured as digressive, if I very briefly endeavour to correct them.

To talk of liberality on this topic, is but to declaim. Nations are called upon, by no obligation of public or individual morality, to sacrifice, for the aggrandisement of other countries, their established interests and undoubted prerogatives ; and that which, in prudence and wisdom, they should withhold, it would be neither generosity nor benevolence, but the most criminal folly, to bestow. Considering the question in this light, the flighty theory will vanish, and it will become necessary only to inquire what would be the probable consequences of conceding away our ancient systems, and not what would be the abstract liberality of such a proceeding ?

Nor will it be more earnestly maintained by reasonable men, that Great Britain has been



CHAP. 4.  guilty of any injustice towards other nations in framing such a system of Navigation Laws as her circumstances required. Every country has an unqualified right to open or close its ports in whatever manner the welfare of its people may demand. The law of nations, in the opinion of Grotius, Puffendorf, and Vattel, has nothing to do with regulations for promoting the internal industry of a people, provided those regulations infringe no actual right of other States; and no government has ever yet presumed to demand an unqualified admission to foreign ports, but such as were at its mercy. The universal practice is founded on these principles. We see every where commercial restraints continued and multiplied; and every legislature and kingdom, instead of rejecting Navigation Acts, on the shadowy principle of universal justice or liberality; or instead of affording unrestricted entrance to foreign trade; have uniformly adapted their rules of restriction to the nature of their views, and the extent of their power.\*

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\* “ Every European nation has endeavoured more or less to monopolize the commerce of its colonies, and has prohibited the ships of foreign nations from trading to



I observe, indeed, that those nations which appear most anxious, at certain seasons, to decry monopoly and restriction, in words, are most ready at others, to reduce both, in their utmost rigour, to practice. “ La course est abolie,” says a late writer employed by the French Government,—“ En tems de guerre la souveraineté de territoire est transporté, avec tous ses droits, sous le pavillion des états qui ne prennent point de part à la guerre.” And again, “ En temps de paix, la navigation de peuple est affranchie de tout loi de prohibition ; il n’y aura d’exception, que relativement au cabotage d’un port à l’autre, appartenans au même pays, et à la navigation entre les colonies et leur metropole.”\* But these impotent edicts of temporary policy correspond very

Conduct of  
France as it  
refers to  
commercial  
restriction.

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them, and has prohibited them from importing European goods from any foreign nation.”

“ But some nations have given up the whole commerce of their colonies to exclusive companies, or confined it to a particular port.” *Wealth of Nations*, B. iv. c. 7. p. 170-1,—England has not carried West India monopoly so far.

\* De l’Etat de la France—by Citizen Hauterive.—This writer evidently admits, by his very exceptions, the doctrine of restriction which he affects to explode.



badly with the established doctrines of France, or with her uniform conduct: “ Que la robe d’ami confisque celle d’ennemi,”\* is a principle which still continues in full vigour in that country; and Colbert himself, the statesman to whom the marine of France was indebted for so much of its strength, has infused into his famous, and, generally speaking, well digested ordinance,† principles which are in direct hostility with the express articles of preceding treaties, and are severe and restrictive to an extraordinary degree.‡ It will not readily be supposed that these principles, at such a period as the present, have become obsolete, or rather have not been

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\* Ordonnances de France. Francis I. p. 1543. c. 4. Henry 3d. 1584, c. 69.

† He had determined to adopt the whole Navigation System of England, but he found, after a very serious investigation, that the existing French marine would not be equal to the demand for commercial shipping, which such a system would promote; and the present interests of commerce were on such grounds, preferred to the future interests of navigation.

‡ That ordinance was registered in 1681, and, prior to that period, several treaties had been ratified by France, by which it was agreed that neutral vessels should protect the property of an enemy. But the ordinance, without any consideration of treaties, expressly declares that the confiscation of the vessel shall accompany that of the cargo. Naval Ordinance of 1681. Tit. 9, Art. 7.



extended. We have lately beheld all natural rights contemptuously cast aside, when they appeared to obstruct even the temporary commercial, or political, or plundering views of France. And let the Americans, who complain of having been pillaged by that nation, within the last ten years of upwards of £5,000,000 ;\*—let the unoffending owners of neutral vessels, seized in the French ports to forward the expedition to Egypt, and without which that expedition must have been renounced ;—let the merchants of Holland, who have been so cramped and crushed by the regulations of French edicts, which almost totally prohibited any commerce whatever with the enemies of France,†—let these expound and explain the maritime generosity of the French Government, and exhibit, in their sufferings, a practical commentary on

\* Discourse on the Conduct of the Government of Great Britain in respect to Neutral Powers. By the Earl of Liverpool.—Preface, p. 26. Edit. 1801.

† “ Si les navires Hollandois transportoient merchandizes du cru ou fabrique des ennemis de la France, ces merchandizes seroient de bonne prise.” Memorial delivered by the French Government to the Dutch Minister at Paris, Mons. Beckenrode, at the commencement of the French Revolution.



CHAP. 4. the liberality and justice of French principles and French despotism.

France, indeed, knows full well when to affect the right, and when to follow the expedient; but, even when she appears to withdraw her power, she is still, in reality, occupied in what has been termed by Camille Desmoulins, "*the sublime vocation of disorganizing Europe.*" She has lately talked much, by her declaimer Hauterive, of commercial freedom, of open ports, and unrestricted trade, because she has no commerce left to be regulated by prohibition, and because she wishes to contrast the liberality which costs her nothing, with the pretended tyranny of England. But, when occasion required, she had no difficulty in adopting opinions of a very different nature. Mons. Ræderer, in his "*Dix Huit Brumaire,*" tells us (and he occupied a high office in the French Government,) that the Batavian, Helvetic, and Cisalpine Republics, have derived from their union with France nothing but rapine, devastation and anarchy; that the depredations committed by the French privateers principally led to the rupture between America and France; and that the Danish flag was eternally subjected to equal vexations and affronts. He adds, what attests the most



overbearing despotism, that, “when the people of Holland sent supplies of grain to their colonies, which were in danger of surrendering to the English, from absolute want, the supplies were audaciously intercepted by the French privateers, and the vessels which contained them declared good prizes, under the authority of vexatious laws, and, sometimes, by judges immediately interested in the trade of the privateers themselves.”\* This is the mild, merciful, and magnanimous France, under whose auspices liberty is to be given to the sea, and the commercial despotism of Great Britain to be humbled in the dust!

Of Sweden and Denmark, also, the maritime policy evinces no objection to maritime restriction. By those kingdoms colonial trade has been, at one time, confined, in its exports, to exclusive towns; at another, subjected to the strong controul of exclusive companies. The ancient policy of Sweden, especially, limited, with unprecedented rigour, the freedom of foreign commerce. The privilege of passing the Sound was confined to the merchants of a few sea port towns; charters,

Of Sweden  
and Denmark.

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\* Dix Huit Brumaire, p. 165.



CHAP. 4. corporations, and favoured ports, entered into almost every commercial system ; \* and, at one period, the exportation of the most essential commodities of the country to Great Britain, was expressly prohibited, except in the vessels of a Swedish Company, and at such prices, and in such quantity, as that company might prescribe. †

Of America.

Nor does America herself appear to be much better inclined to direct her practice by the rules which she would prescribe to the commerce of other nations. By the Act of Congress, approved on the 2d of March 1799, the following duties are required to be paid, “ before any permit shall be granted for unloading the cargo.”

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\* See Colonial Policy of the European Powers, vol. i. p. 498-499. By Mr. Brougham.

† Wealth of Nations, B. iv. c. 7. p. 177. In 1724, says Mr. Brougham (Colonial Policy, vol. i. p. 499,) the Swedish Navigation Act was first passed. It was revived by the edict of 1772, and includes the principles, as far as circumstances would permit, of the Navigation Act of England.



*“ On all Ships entering from any Foreign Port or place :* CHAP. 4.

|                                                                                                                                                                                                                                                    | Cents. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Ships of the United States - - - - -                                                                                                                                                                                                               | 6      |
| Ships built within the United States, duly recorded,<br>but belonging wholly or in part to foreigners                                                                                                                                              | 30     |
| Other Ships - - - - -                                                                                                                                                                                                                              | 50     |
| Vessels of the United States duly licensed, and<br>employed in the coasting trade or fisheries, per<br>annum - - - - -                                                                                                                             | 6      |
| Vessels of the United States, other than licensed,<br>taking in merchandize in a district in one State,<br>to be delivered in a district in another State,<br>other than an adjoining State on the sea coast,<br>or on a navigable river - - - - - | 6      |
| Other ships or vessels taking in merchandize to<br>be delivered in another district.”* - - - - -                                                                                                                                                   | 50     |

And by sections 92 and 103 of the same Act, she imposes other restrictions on importation, and prescribes additional regulations of tonnage, “ under the penalty of forfeiture with the ship or vessel.” It will not, therefore, be maintained, that America rejects monopoly and restriction;—that she is liberal to foreign nations, whose trade she thus oppresses by such an increase of duty from six to fifty; or illiberal to her own, which she has taken care

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\* See Donnant’s Statistical Account of the United States of America. Translated by Playfair.



CHAP. 4. to protect and foster by such a diminution of duties from fifty to six !

It may not be useless to add that England, the very country which is so incessantly required to relax her Navigation Laws, in favour of America, is the country that *principally* sustains the burden of these commercial regulations ; and the American accounts of exports for the year ending the 30th Sept. 1803, shew that Great Britain contributes very nearly as much as all the rest of the world, to the treasury and the trade of the United States.

Discriminat-  
ing and coun-  
tervailing  
duties of  
England and  
America,

If we shall be told that England, in her countervailing duties, promoted and merited any of these restrictions, it may be sufficient to say that those duties were posterior and provoked, and dictated and compelled by the absurd, yet designing, conduct of the Americans themselves. It is well known that, on the peace and separation of the Americans from Great Britain, they, and their abettors in this country, entertained the extraordinary notion, that, in matters of trade, they should not be considered by Great Britain as foreigners, though they themselves had chosen and asserted that very situation ; and they particularly pretended, in direct opposition to our whole colonial and navigation



principles, that they should have a free trade to our West India colonies. They did not even rest their claims on the argument of negotiation, but endeavoured to sustain them by stronger means; and, vainly flattering themselves, that the trade with America was absolutely necessary to our commercial existence, they attempted to frighten us into concession, by laying extraordinary and extravagant duties on all merchandize coming from hence, and particularly on our shipping. They did not conceive, at the time, that we should have had the spirit to counteract such a measure, by countervailing duties. But they found themselves mistaken; and, discovering that the duties to be paid by them, would far exceed those which they had imposed on us, as the quantity of their shipping employed in the trade between the two countries was much greater than ours, they very wisely desired that the duties on both sides should cease. The "moderation and justice" of Great Britain, as they were termed by Mr. President Jefferson, consented accordingly to this mutual abolition of duty. A benefit was renounced by this country, which resulted from our retaliating the injurious measures of America. And the



**CHAP. 4.** Americans, after having tried the effect of a crooked policy, were placed on the footing of the most favoured nations ; to which, indeed, there can be no objection, unless our Navigation Laws are to be suspended, by the operation of some Dutch property Act, or any other Act to the same effect.

England  
justified.

From this detail, what is the conclusion that inevitably follows ? Is it that the maritime policy of England alone is inequitable and selfish ?—Or is it, that other nations, also, are fond of monopoly and restriction ; that America, amid all her boasts and demands, is sufficiently sensible of the importance of the system which she affects to disclaim ;—that France, notwithstanding her affected zeal for the liberty of the seas, and her outcries against the commerce of England, has demonstrated to the world, that she has no objection to extend “ her despotism over the ocean ;” \* and that, on the whole, we are authorised, neither by truth, nor by example, to say, that Britain is unjust, because she, too, thinks proper to promote, and regulate by law, the commercial activity of her

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\* See Gentz's State of Europe before and after the French Revolution.



people, and to exercise a power over her own ports, productions, merchants, and ships? CHAP. 4.

To the inferences which follow from the example thus uniformly and universally exhibited by other nations, we might add, if it were necessary to do so, that all well informed writers on the subject, have maintained that commercial regulation of this nature amounts, in no respect whatever, to an infringement of the law of nations. But the argument, becomes yet stronger, if we suppose that such commercial regulation may be necessary, not merely to the trade, but to the safety and independence of a nation. If a country, for instance, be in danger of famine, or if her security depend upon her armies and fleets, would it not be absurd to say, that she may not, without a breach of the law of nations, prescribe rules for her corn trade, or provide for the maintenance of her fleets and armies?—England is in this very situation. A navy is essential to her existence; an extensive navigation is required to support her navy; and the first principles of preservative justice, consequently, warrant her to promote her navigation, by such internal and external regulations, as do not affect the absolute right of foreign States.

Her Navigation Laws founded in right and wisdom.



CHAP. 4. The Navigation Laws of England, then, infringe no rights of other nations, and are rendered necessary by the maritime views and regulations of foreign policy, and by the peculiar circumstances of Great Britain herself. But are they, as Mr. Gentz has stated, commercially injurious and unwise?

Opinion of  
Mr. Gentz on  
the commercial  
utility of the  
Navigation  
System con-  
sidered.

After having complained of the misrepresentations and cavils of foreign writers, on the subject of our commercial system, I have much pleasure in observing, that Mr. Gentz has ably supported the right of every independent country to make such laws as it may deem necessary to regulate its trade and navigation.\* I respect his judgment, candour, and learning, and I, therefore, still more regret that he should have advanced some unfounded and erroneous opinions, on the spirit and tendency of the

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\* Citizen Hauterive's work is a choice specimen of modern French declamation and verbiage, equally void of taste and regardless of fact. It was not necessary to notice it in this country, but it has induced M. Gentz, Counsellor at War to his Prussian Majesty, &c. to publish on the Continent, where it will be very useful, an answer, which, in clearness, good-sense, and sound political discussion, has seldom been surpassed. The excellent statement in the translator's preface respecting the question of Neutral Bottoms, is very satisfactory.



Navigation Laws of Great Britain. As a CHAP. 4.  
 foreigner, perhaps, he could not obtain sufficient information on a question of so local a nature; and, if I should advert at all to the errors which affect that part of his work to which I allude, I shall do so, not to censure the author, but to point out the mistake.

He says the Navigation Laws are “*commercially injurious*” to us, but he admits they are politically wise. Yet if, (as I flatter myself I have shewn, or shall be able to shew) they promote the employment, and augment the number of our seamen; if they encourage ship-building and all the useful arts connected with that essential trade; if they, consequently, provide occupations for innumerable artizans; if they secure to us the carriage of our own produce, as well as of the supply of the most valuable markets, they cannot possibly be *commercially injurious* to us. Mr. Gentz himself admits, “that they are important instruments of the greatness and security of the State—that they have afforded a powerful stimulative to the commercial marine of England—that they have tended to secure to the nation, the freight trade, that great source of the former astonishing riches of Holland—that the consummation of them has



CHAP. 4. been the consequence of the most judicious policy—that they compelled the English to cultivate with their own vessels, their own sailors, and their own capitals, many branches of foreign trade, which would, *otherwise*, have remained, partly or entirely, in the hands of strangers—that they encouraged a branch of national industry which contributed to the security and independence of Great Britain—and that, as he quotes Mr. Adam Smith, however they may have been dictated by national antipathy,\* they are, nevertheless, as wise as if they had been the productions of consummate wisdom.” Here, then, there is no reason for regarding them as injurious to the commerce of Great Britain; and the respectable writer has admitted premises, from which a conclusion might be drawn very different from the inferences he has stated.

For my own part, I see every where, and on every occasion, decided proofs both of the commercial and political utility of those laws,

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\* It has been already shewn that the Navigation System was not dictated by national antipathy. It is remarkable that Adam Smith should have been so little acquainted with the origin and history of that System, as to impute its rise to such a cause.



the effects of which have been so erroneously described. Defence and independence are more important than wealth, and, therefore, if they contributed only to the former, we should abundantly prize them. But they are the foundation of the whole, both of our maritime power and trade. Under their influence England has become the first of European nation in riches, credit, industry, commerce, manufactures, and energy. Under their influence that commerce, which, otherwise, would have fallen to decay, has been assured of the protection of an irresistible navy, and has gone forth to the four corners of the globe without the apprehension of insult or depredation. When, therefore, I observe activity, and labour, and enterprize, excited and encouraged, and honorable and ample wealth thus earned and obtained, under a system which few men have the disposition fully to examine, and some with inconsiderate levity condemn, I estimate the cause by its effects, and become more and more anxious to rescue from innovation, a code which has been, and continues to be, productive of such various and inestimable advantages.



## CHAPTER V.

*The restrictive Regulations of the Navigation System intimately connected with the sole object of founding Colonies; and reciprocal in their operation, with respect to the Colonies, and the Mother Country.*

CHAP. 5.  
Object of  
founding  
Colonies.

ON the subject of this chapter, many, and sometimes, fanciful theories, have been advanced, which frequently prove how easily men may be led into error and inconsistency, by the pursuit of refinements which they do not understand. I shall not, however, trouble my reader with pedantic definitions, or metaphysical discussions, on the nature and end of colonial establishments, or on the divers relations subsisting between them and the Mother Country. It may, however, be observed, that there is no similitude between ancient and modern colonization, except in the name; and that though colonies may have formerly owed their establishment to oppression at home, the discontent of parties, and the restlessness of



violent spirits, rather than to national measures, they have, in later times, been founded solely on what was conceived to be prudential and political principles.\* By the English, the Spaniards, the French, the Portuguese, the Dutch, and the Danes, the same colonial views have been entertained, though they have not always adopted the same measures for carrying their views into effect. All, however, have agreed in reserving to themselves the exclusive trade of their colonies, as a rightful compensa-

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\* Mr. Brougham, in his Inquiry into the Colonial Policy of the European Powers, has dwelt, with much minuteness and learning, on this subject ; and, instead of bowing to the authority of names and systems, he has, on many occasions, corrected the delusive wildness of the French writers, and the plausible errors of Adam Smith, as far as they relate to colonial policy ; but I cannot attain his indifference as to the colonization of Egypt by the French, nor can I, in any event, agree with him that we could be compensated for the loss of our rich and highly beneficial establishments in the West Indies, by forming on the coast of Syria, settlements which would require nearly a century of expense and difficulty, before their produce could possibly equal that of the West Indies ; and, without commenting on the immense sacrifice of property, I must observe that establishments in Syria would be infinitely more assailable, less defensible, and less within our reach than our West Indian plantations.



CHAP. 5. tion for colonial establishment and protection ;  
 and the colonies have been more or less, recompensed, in their turn, with reciprocal advantages in the markets of the mother country. No other motives, it is certain, can be traced in the formation of these settlements ; and I maintain, not only that on no other principles are they worth the holding, but that, on any other, they must directly encumber and enfeeble the state to which they belong.

Utility of  
Colonies.

Colonies are advantageous only when they protect or furnish fisheries ; supply naval stores, and other articles which cannot be raised at home ; or furnish a *permanent* market for the extensive consumption of the produce and manufactures of the mother country. If they afford no such market, they cannot compensate for the expense of maintenance and protection ; and, if they abound but in such articles as can be raised at home, they are more likely to become competitors and rivals of the mother country, than beneficial members of the empire.

In this view, the West Indian settlements are peculiarly valuable to this country. They never can furnish themselves with such manufactures and products as those of the United



Kingdom, and the United Kingdom can never raise such articles as they supply. At the same time, they promote a trade, in other respects, of great importance. From the bulky nature of their produce, they demand, in proportion, a greater number of mariners and shipping; and the seamen which they employ are well trained, of hardy habits, and, as they return frequently to port, easily to be procured, on occasions of emergency, for the service of the navy.\*

CHAP. 5.



If then, the object of Great Britain in establishing colonies, was not the founding of cities, nor the extension of empire, but maritime power and commercial advantage, the colonies were to be retained under the direction of the mother country, or the object, for which they were established, was at an end. The Maritime and Colonial System, therefore, of the

Foundation  
and necessity  
of Colonial  
Restrictions.

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\* Marshal De Castries, who was several years at the head of the French marine, in which department the colonies were included, mentioned to me, that the trade of the French West Indies furnished almost the whole of the seamen to the navy of France, and that, in different ways, it employed 36,000 sailors.



CHAP. 5. Mother Country was to be framed accordingly ; and commercial restriction, to be recompensed, however, by the full enjoyment in return of the British market, was to become the leading principle of colonial intercourse.\*

Such a system was necessary, not merely as a means of commercial prosperity, but as a bond of reciprocity and connection. It, indeed, restricts, but restriction is often welfare and amity. By restriction are connected the traders of the Islands with those of Britain ; and by restriction is secured the just dependence of the component portions of the empire on its supreme council, and necessary controul. Under any other circumstances, colonies would become the most precarious of all possessions. Being left to pursue their imaginary interests where they pleased, error, avarice, the eagerness of rapidly acquiring wealth, nay, perhaps, unfounded animosity, and the growing pride of independence, would occasionally, or perpetually, operate on their views, and no incon-

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\* " The leading principle of colonization in the maritime States of Europe was commercial monopoly." Edward's Hist. West Indies, vol. ii. p. 565.



siderable portion of that trade and that wealth CHAP. 5.  
 would be dispensed to foreigners which should  
 have augmented the means, and the power of  
 the empire.

In direct consistency with these ideas have  
 been the opinions of the most intelligent and  
 practical of the French writers, and the prin-  
 ciple seems to be carried still further in the  
 system which they have maintained.

*The doctrines  
 of French  
 writers on the  
 subject,*

“ Les Colonies n’ étant établies que pour  
 l’utilité de la métropole, il s’ensuit :

1°. Qu’ elles doivent être sous sa dépendance  
 immédiate, et par conséquent sous sa pro-  
 tection.

2°. Que le commerce doit en être exclusif  
 aux fondateurs.

Une pareille colonie remplit mieux son objet,  
 à mesure qu’elle augmente le produit des terres  
 de la métropole, qu’elle fait subsister un plus  
 grand nombre de ses hommes, et qu’elle con-  
 tribue au gain de son commerce avec les autres  
 nations. Ces trois avantages ne peuvent pas se  
 rencontrer ensemble dans des circonstances  
 particulières ; mais l’un des trois au moins doit  
 compenser les autres dans un certain degré.  
 Si la compensation n’est pas entière, ou si la  
 colonie ne procure aucun des trois avantages,



CHAP. 5. on peut décider qu'elle est ruineuse pour le pays de la domination, et qu'elle l'énerve.

Ainsi, le profit du commerce et de la culture de nos colonies est précisément, 1°. le plus grand produit que leur consommation occasionne au propriétaire de nos terres, les frais de culture déduits ; 2°. ce que reçoivent nos artistes et nos matelots qui travaillent pour elles, et à leur occasion ; 3°. tout ce qu'elles supplient de nos besoins ; 4°. tout le superflu qu'elles nous donnent à exporter.

De ce calcul, on peut tirer plusieurs conséquences : la première est que les colonies ne seroient plus utiles, si elles pouvoient se passer de la métropole ; ainsi c'est une loi prise dans la nature de la chose, que l'on doit restreindre les arts et la culture dans une colonie, à tels et tels objets, suivant les convenances du pays de la domination. La seconde conséquence est que si la colonie entretient un commerce avec les étrangers, ou que si l'on y consomme les marchandises étrangères, le montant de ce commerce et de ces marchandises est un vol fait à la métropole ; vol trop commun, mais punissable par les lois, et par lequel la force réelle et relative d'un état est diminuée de tout ce que gagnent les étrangers.





Ce n'est donc point attenter à la liberté de ce commerce, que de le restreindre dans ce cas : toute police qui le tolere par son indifférence, ou qui laisse a certains ports la facilité de contrevenir au premier principe de l'institution des colonies, est une police destructive du commerce, ou de la richesse d'une nation."\*

It has already appeared that England is by no means singular in maintaining, and acting on, the principles which are thus necessary. But she is to be justified, with respect to her colonies, on other and still stronger grounds. The means which she has adopted for securing to herself the trade of her colonies are, in many respects, more liberal than those which have been employed by other nations ; and the restrictions which she imposes are not confined to the ports of her West Indian possessions, but extended, with impartial justice, to her own.

Liberality of  
the Colonial  
Policy of  
Great Britain.

I would say, further that, not only the restraint, but the benefit is, in this instance, reciprocal. The mother-country affords a steady market for the colony, as the colony

Restriction  
reciprocal.

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\* Encyclopédie, art. Colonie.



CHAP. 5. does for the mother-country. What is called monopoly, in this case is mutual. If England benefit by the exclusive supply, the colonies benefit by the highly favoured sale of their rum and sugar. The restriction which operates beneficially to the first, is accompanied by the restriction which operates favourably to the last. From these regulations, for what human institution can be free from all imperfection, a momentary inconvenience may possibly arise: But the permanent consequences of the regulations are salutary; and the advantages resulting to commerce and to navigation, encourage the enterprize of mercantile speculation, and promote the general prosperity of the empire.

Prohibitory  
duties on the  
produce of the  
French  
Islands.

I have said, and I repeat, that the English colony is peculiarly favoured in the English market. The colonial produce is eminently protected by those discouragements and prohibitions, which are designed to exclude the products of the foreign islands from the British ports. To prevent all such rivalry and superiority, as might, otherwise, and infallibly would, result from the superior fertility, and



other circumstances, of the French islands,\* a duty has been laid on the importation of foreign Muscovado sugars, nearly double the amount of that which has been imposed on British; and on the importation of foreign clayed sugars, of more than three times the amount of that on the Muscovadoes of our own colonies. In these instances, then, the duties may be considered as prohibitory, and the restrictive regulations of the colonies are compensated by full and adequate encouragement; and, in other cases, where monopoly was supposed to be unnecessarily strict, it has been proportionally renounced. By the 12th Article

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\* It is from this circumstance, and from the lower price of labour, and the greater economy observed in the French West Indies, that the French are enabled so much to undersell us in colonial articles. The proportion of the price of French and British Muscovado sugars shortly prior to the French Revolution was as 5 to 7, and a Committee of the House of Commons was appointed in 1789 to investigate the cause. It is now well known that the average annual produce per acre of St. Domingo, is  $1\frac{1}{2}$  hogshead of sugar at 16 hundred weight, and of Jamaica, is  $\frac{1}{2}$  hogshead of the same weight. There are districts in Saint Domingo that yield two and a half tons per acre! Brougham's Colonial Policy, Vol. I. p. 521.



CHAP. 5. of the Commercial Treaty of 1794 between England and America, an article, however, which I mention with the utmost disapprobation,\* American vessels, not exceeding 70 tons, were allowed to trade between the continent and the islands, on the same terms on which British vessels were permitted to enter into the same trade. On a similar principle of facility and relaxation, some of the principle ports of Jamaica, Granada, Dominica, and New Providence, have been opened with little reserve to foreign shipping;† and those islands are, consequently, authorised to carry on a trade, from the ports enumerated, with all foreign colonies, of unrestricted freedom, save only as it is limited to vessels of one deck, not exceeding seventy tons burden.

Privileges of  
Free Ports.

These privileges of free ports have been sometimes pretended to be of little value; but

\* This article was not ratified by America, but I refer to it as a proof of the disposition of England to relax her systems.

† Free Port Law. 27 Geo. III. cap. 27. Statutes 30 Geo. III. c. 29. 31 Geo. III. c. 38, made perpetual by 32 Geo. III. c. 37, and amended by 33 Geo. III. c. 50.



they are, in reality, indulgences of great importance. They are conferred by the mother-country, not only in direct contradiction to the spirit of the navigation and colonial system, but to the prejudice of the freight trade of England ; and it will be admitted that they are not trifling in their consequences, when it is mentioned that, in the year 1790, the foreign vessels employed in the trade of the free ports only of the British West Indies, amounted to 810, including 19,415 tons.

Besides ; the ships built in, and belonging to, the colonies, are under no restriction whatever, which does not attach to the vessels of the European parts of the empire. Such restrictions as exist, operate only to prevent the competition and introduction of foreign shipping, and, by augmenting the commercial shipping of England, they have considerably kept down the price of freight, and have rendered England and the islands independant of other countries for carriage and supply.\*

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\* The freight of sugar in the French Windward Islands in the year 1788, 1789, that is immediately before the Revolution, when the calculation could be most fairly made, was  $18\frac{1}{4}$  per cent. higher than in the



## CHAP. 5.

Acknowledgements by Mr. Edwards.

The selfishness of avarice, and the querulousness of discontent, it is not easy to satisfy: Notwithstanding the liberal policy which has been here stated, the colonies are, sometimes, described, as labouring under the most mischievous and despotic restraints. Mr. Edwards, whom I more particularly notice, because he has his followers, peculiarly indulged this spirit of censure. He dwells much on the oppressive duties which are imposed in the British ports on colonial produce; laments the restrictions “which prevent the islands from availing themselves of the cheapness and safety of neutral bottoms;” decries and reprobates something which he terms “the three-fold devouring monopoly” of Great Britain; and concludes a long accusatory story, with a stern “expostulation with the king’s ministers, on the treatment which the colonies have experienced for nearly twenty years from the mother country.”—“Those” he exclaims “whom the storms had spared, your rapacity, “would have starved. Your policy has added to all

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English. The freight from St. Domingo was  $43\frac{1}{4}$  higher. Brougham, Vol. I. p. 247.



the evils of a series of tempests, and unfavourable seasons ; and yet you talk of humanity as if it were a national virtue.”\*

From this language, it would be thought, that the whole colonial system of Great Britain was cruel and unjust. But Mr. Edwards, without much regard to consistency, is soon found to support the cause against which he had so bitterly inveighed ; and no sooner does he conceive that it was designed to extend the English market to East India Sugar, than he becomes the loud and professed advocate of the “ exclusive compact between Great Britain and her colonies ;” and he argues on the subject in language which, from an avowed opponent of the restrictive principles of the navigation system, will be regarded as of peculiar force.

“ As a compensation”—such are his words —“ for these restrictions and prohibitions on the colonies of Great Britain, to favour the navigation, revenues, manufactures, and inhabitants, of the mother-country, the colonists

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\* Edwards History of the West Indies, Vol. II, p. 549, 550, 564, 569, 585.



CHAP. 5. become possessed of certain commercial advantages; among others, that of an exclusive access to the British market for the sale of their produce. Thus *the benefits are reciprocal*; and each country, Great Britain and her colonies, become a *permanent staple, or mart, for the products and trade of the other.*"

"Such is the double monopoly, which, with a few exceptions, Great Britain thought fit to establish. Whether it is an arrangement founded in wisdom and sound policy, it is now too late to inquire. It has existed, it has been confirmed, it has been admired, it has been imitated; and, if there is any security in the national faith, solemnly pledged and repeatedly ratified, the system is become a *fixed and permanent compact*, which cannot now be violated by either party, without the fullest compensation to the other, but on principles which, if admitted, may serve to justify a departure from the rules of justice on any occasion."—

"Thus the system established between Great Britain and her colonies is, in fact, *monopoly for monopoly*; an arrangement, grown sacred by time, recognised by a multitude of laws, and enforced by stricter ties, and recent provisions. Well, therefore, did a great statesman,



(Mr. Fox) observe, ‘ that it was a compact more solemn than any that an act of Parliament could create ;’ and, if it be infringed without compensation by Great Britain, the colonies will have reason to assert that she has violated her faith with them ; that her conduct is oppressive and fraudulent ; and her statutes snares to the unwary.—We protest, therefore, *against any innovation*, and adhere to the system of *double monopoly* : there we are at anchor ; and, if there is no security any where against the storms and afflictions of providence, so neither is there against the injustice of men ; but we shall at least have the consolation of not suffering, from any voluntary surrender of our right, the reproaches of our own bosoms, or of leaving accusers in our posterity !

In a word it should be remembered, that the colonies not only enjoy and have long enjoyed, as a compensation for commercial restraint, the privilege of the British market, and the benefit of the British capital ; but that they possess, too, every characteristic mark of a free people in their internal concerns. They are taxed solely by their own representatives, and have not merely the image, but the substance also, of an English constitution. This



CHAP. 5. whole state of commercial servitude and civil liberty taken together, though certainly not perfect freedom, yet, comparing it with the ordinary circumstances of human nature, may be pronounced *a happy and a liberal condition.*"\*

The Colonies  
have no reason  
to complain.

Of what, then, even according to the doctrines of this writer, and of his followers, have the colonists to complain?—Would *they* only accumulate the gain, and leave the loss to the rest of the empire?—If they experience monopoly on one hand, do they not confessedly benefit by it on the other?—If they incidentally pay, which is rarely the case, a greater price for their articles of supply, are not their rums and their sugars protected in the English market, at the expense of the English purchaser?—Do they owe nothing for the prohibitory duties in the ports of Great Britain, which secure them from the ruinous rivalry of St. Domingo, or Guadaloupe?—Nothing for the aids derived from British capital?—Nothing for the protection of the British navy?—Nothing to the permanent and general good of the

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\* Hist. West Indies, Vol. II. p. 566, 567, 579, 580, 588, 589, 590.




Empire?—Let us then hear no more on these subjects of British monopoly and injustice. CHAP. 5.

It must, now, be admitted, that England is justified in the great principles on which she has founded colonies, in the laws by which she governs them, and in the reciprocity of the benefits and the burthens which result from her regulations. But the Navigation and Colonial System which she has thought proper to adopt, is to be vindicated, also, by other considerations. England is not to confer free commerce and navigation in return for the vexations and restrictions which are imposed by other nations; and, though the Navigation Laws were not, as they are, too firmly and too long established to be tampered with by experimental speculators, they would yet require to be cautiously and decisively maintained, if it were only because they are rendered necessary by the views and regulations of other States, and because, so long as other States confine the trade of their colonies to themselves, England has not only a right, but is bound on every principle of prudence and justice, to act in the same manner.

Navigation  
and Colonial  
System rendered neces-  
sary by the  
Systems of  
other  
Countries.

This is the very doctrine of the 15th of Charles II.—The Preamble to that Act very judiciously states the motive of the Navigation



CHAP. 5.  System to be “ the maintenance of a greater correspondence and kindness between the subjects at home and those in the plantations ; the making the colonies yet more advantageous to the mother-country, in the further employment and increase of English shipping ; the rendering the navigation to and from the colonies more easy and cheap ; and making this kingdom a staple, not only of the commodities of the plantations, but also of other countries, for the supply of them, it being the usage of other nations to keep the plantation trade to themselves.”



## CHAPTER VI.

*The Navigation System rendered of yet greater necessity by the existing circumstances of England and of Europe.*

THESE general doctrines are to be confirmed by particular reasons. England, contracted in extent, and far inferior in the number of her people to other nations, is always liable to the hostility of enemies, whose physical strength is much superior to her own. To her insular situation, therefore, and to her navy, she must be primarily indebted for her defence ; but it should never be forgotten, that the moment the latter shall decline, her insular situation will be of no advantage. The myriads of France might, in such a case, be easily poured upon her shores ; she would be inevitably exposed to insult, and, perhaps, to subjugation ; and, after having been the support of nations, and the vindicatrix of Europe ; after having restrained, and often chastized, the ambition of the State, whose waking and sleeping visions are full of universal dominion, and particularly of the conquest of this country ; she would be

CHAP. 6.

Necessity of  
the Navigation  
System to  
the people  
of England,



CHAP. 6. cast from the eminence to which she has ascended by the means she is recommended to support, and gradually, or suddenly, decline into a province beneath the oppression of France. Who, then, shall maintain that she should renounce any portion of that system on which her naval superiority is founded? And what must be the consequence, if, abandoning that system, our sailors be dispersed, our shipwrights be discouraged; the countless arts and artizans connected with our marine, be permitted to decline and to diminish; the manufacture of ships transferred to foreigners: and the carrying trade renounced, as it has already been, in a considerable degree, to other nations?

And of Europe.

It is not England alone that is concerned in these views—The interests of England involve those of almost all the surrounding States. Of the leading Powers of the Continent, some have been enfeebled by past exertions, and others, from whatever motive, repose in a dangerous and ill-judged neutrality.\* In the mean time, France advances in ambition and strength; adds territory to territory, crushes the feeble, enslaves the cowardly, alarms the strong. Her

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\* This was written in Feb. 1804.



councils are incomparably more violent and ferocious, and her powers are greater than those of Lewis XIV. or, probably, of any other despot; and every day some new menace is uttered or is realized. She has stretched her influence, from the wide boundaries of her ancient territory, over the greatest part of Europe; and, the subtlety of her policy still continuing to further the schemes of an insatiable and devouring rage for conquest, it is sufficiently obvious that she aims at the controul or subjugation of the whole civilized world. In such a situation of things, if that nation should once acquire predominance at sea, either by the augmentation of her naval power, or by the decline of the marine of Britain, there would not remain one maritime country on the globe safe from her attacks; and the inferiority of the Navy of England would be speedily followed, perhaps, by the subjugation of all that yet remains of national independence in Europe. In this view, what is to be the bulwark of nations, but the Navy of England?—What to support the Navy of England but extent of Navigation?—The very powers that decry her maritime system, as adverse to the freedom of the seas, are interested to support it; and she derives new arguments for



## CHAP. 6.

maintaining the code on which, even in the confession of her enemies, her greatness rests, as well from a regard to her own consequence, as from the occurrences of the times, and the gloomy circumstances of the greatest part of Europe.

The right of visiting Neutral Bottoms maintained at great risque.

Not long since, Great Britain had to sustain a principle of great importance, and she sustained it with firmness and with vigour. When she was abandoned by all her allies ; when the several Maritime Powers of Europe had combined against her ; when she had risked her last and only army in the plains of Egypt ; she, nevertheless, thought it necessary to risk her principal fleet also, against all the Powers of the North, in order to maintain her right of visiting neutral bottoms. But that right, however incumbent it might have been to maintain it, is of secondary consideration, compared with the necessity of preserving inviolate the principles which have hitherto enabled us to support that naval superiority, without which our right to inspect neutral bottoms would be a shadow. Surely, if the right be of importance, that which empowers us to vindicate the right is incomparably more so ; the right is comparatively of temporary value, but the system

The right nothing without the power to assert it.



on which alone it is to be preserved, is of permanent necessity; and yet, such is our infatuation, that we often manifest a disposition to fritter away the essence of the system, even while we hazard the existence of the Empire in pursuit of inferior objects.

CHAP. 6.

That system, it is to be observed, has been relaxed, not only by measures referring immediately to our own colonies, and our own trade, but by the adoption of new orders and regulations, on the subject of neutral bottoms, and neutral carriage. In 1756, France, being much distressed, opened her colonies, under certain limitations, to neutral vessels, and the produce of the colonies was, accordingly, attempted to be carried, in most respects pretendedly, on account of the neutral merchant, in order to secure the cargo from capture and condemnation. But our Courts of Admiralty speedily discovered the artifice and evasion, and laid it down as a decided and admitted rule of adjudication, “ that a neutral has no right to deliver a belligerent from the pressure of his enemies hostilities, by trading with his colonies in time of war, *in any manner which was prohibited in time of peace.*” \*

Further Restrictions on Maritime Principles.

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\* This rule was maintained with systematic vigour during the whole of the war which commenced in 1756;



## CHAP. 6.

Progressive  
concessions in  
favour of Neu-  
tral Bottoms.

Under this rule, which, indeed, was established long before the year 1756, and which is essential to the great object of maritime warfare, that of distressing the commerce, and diminishing the revenue of the enemy, the trade of neutrals continued to be conducted, in time of war, and the adjudication of prizes to be determined, until it was, in some degree, relaxed during our hostilities with America.\* But a

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and Mr. Jenkinson, now Lord Liverpool, after a long and laborious deduction of authorities, expressly maintains—" that neutral nations had no right to protect the property of the enemy ; that they have no grounds, under colour of any article in their commercial treaties, for claiming that right ; that the naval power of England hath been conducted, during the present war, (he wrote in 1758,) with no less justice than spirit ; and that the honour of our country is unblemished." Discourse on the Conduct of the Government of Great Britain, in respect to neutral flags.


If these inferences be well founded, and it appears that they are, what shall we conclude of the extreme deviations from the rule of 1756, by the Orders immediately to be mentioned, of 1794 and 1798 ? The circumstances of England, of France, and of the world, have contributed to render the principle of the first Order more necessary than ever ; and, the last Orders of course must be thought to be proportionally weak and dangerous.

\* The relaxation was not so injurious at that time as, it is in this war, because the enemy was then better



further and more mischievous departure was made from the rule in the year 1794; and direction was given to seize only “such vessels as were laden with goods, the produce of the French West India Islands, and *coming DIRECTLY from any part of the said Islands to Europe.*” By this Order, America, in the first place was peculiarly favoured, because it was easy for her traders, in the course of their voyage from the French islands, to neutralize their cargoes, by touching, for a few days or hours, at any of their own ports;\* and the relaxation afforded scarcely less indulgence to the European neutrals, because they also might neutralize with great facility, by making use of any of the neutral ports in the West Indies, as intermediate ports or warehouses, between their European dominions and the French Islands.

CHAP. 6.


 Relaxation by  
the Order of  
1794.

In the year 1798, however, measures were adopted to extend the pernicious concessions

 Further re-  
laxation by the  
Order of 1798.

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able to protect his trade, and had, therefore, less occasion for the aid of neutral carriage.

\* They are generally obliged to touch at some American port for the purpose of careening, repairing, &c. so that the order, as it respected the American ports, can be scarcely said to have imposed on them any restriction whatever.



## CHAP. 6.

which had been thus conferred on neutral carriage. Some political or commercial purposes were the pretexts, as we may suppose, for a wider deviation from the indispensable principles of maritime jurisprudence; and a direction was issued to bring to adjudication “all vessels, laden with the produce of any island or settlement of France, Spain, or Holland, coming directly from any part of the said island or settlement, to any port in Europe, *not being a port of this kingdom, or of the country to which the vessel, being neutral, should belong.*” By this new Instruction the rights of capture and maritime war were not merely limited, but, in a great degree renounced; and all neutrals, whether American or European, being empowered to proceed *directly* to their own ports, or to those of England, were furnished, in case of detention by English cruisers, with almost all the facilities which they could require, of evasion and of fraud.

Comparative  
estimate of the  
three Orders  
of 1756, 1794,  
and 1798.

In this manner the progressive relaxation of maritime principles advanced from weakness to weakness, till it terminated, where imbecile relaxation generally terminates, in almost a complete renunciation of unquestionable rights. Thus, in the year 1756, and before, the neutral vessel, carrying the product of the enemy's



settlements, was seized and condemned. In the year 1794, such vessel was liable to seizure only when coming *directly* to any port of Europe. In the year 1798 such vessel was to be seized only when on its passage to any port, *not being a port of this kingdom, or of the kingdom to which the vessel belonged.\** The vessel, therefore, protected by the two last Orders, would have been seized and condemned under the first ; and the vessel, protected under the Order of 1798, would have been justly detained under that of 1794.†

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\* This order has been recently somewhat modified by one or two prudent but not very important exceptions.

† Before concessions of this nature are granted, it should be recollected how much easier it is to confer than to recall. That which the neutrals would have before solicited as a privilege, they may now venture to support as a right : and that which it would have been just to withhold, it will be offensive to reclaim. But, though reclaimed, it is by no means certain that the carrying trade which has been lost will be easily recovered. Trade, diverted into new channels, cannot at will be forced back into the old. Years may be necessary to restore the order destroyed in an hour ; and the example of Venice, Genoa, Holland, and other nations, proves the difficulty of re-establishing a carrying trade, or markets, that have been lost, or of renewing in nations the commercial habits from which they have been estranged.



## CHAP. 6.

Mischievous  
consequences  
of the two last  
Orders.

In consequence of this relaxation of system, or rather this substitution of modern feebleness for former energy, the misconduct and frauds, and fallacies, of neutrals, have increased to an enormous degree, and continue every day to be practised almost with impunity. As the means of fraud were extended, the means of detection were diminished. A tale preconcerted with the neutral captain,\* a nominal clearance, the oath of a sailor founded on equivocation, as to the course of the voyage, or to the reality of an entry, were always ready, on occasion, to be produced in our courts of admiralty. Even the learning, wisdom, and determined integrity of the judges of those courts confined in their adjudication as they were, by these recent Orders, have been frequently unable to prevent or punish the frauds, and sometimes the perjuries, which have been employed to defeat the capture by the English cruiser. The

The frauds of  
Neutrals.

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\* The course of proceeding, and the nature of the interrogatories, in our courts of admiralty, are well known abroad ; and the neutral captain, it is said, is cautiously trained for the contingency of capture before he enters upon his voyage, and furnished with such replies as may be most likely to maintain his claims, against the English captor, to his ship and cargo.



energy and courage of the commanders and crews of our vessels of war, have been, consequently, on various occasions, deprived of their recompence ; and many ships of great value, and *indisputably* freighted with the property of the enemy, have been brought into the port of England but to be taken from the captor, and restored with their cargoes and with costs, to encourage additional stratagems in the neutral captain.\*

CHAP. 6.

It was not merely the *return* cargo of the neutral that was thus protected. The order of 1798, was evidently intended to permit the *outward* cargo also to the belligerent settlements, either from the British ports, or the port to which the vessel belonged ; for, as it has been well observed, it would have been inconsistent and absurd to maintain, that the vessel

Outward and  
inward cargoes  
of neutrals  
equally pro-  
tected by the  
order of 1798.

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\* In stating these facts I cannot be supposed to arraign the justice or the talents of the judges before whom these causes are brought. To the sound and manly understanding, the deep research, and unimpeachable integrity of Sir William Scott, I am always ready to bear my testimony. He knows the law thoroughly ; but the evil lies not either in his interpretation, or the law, but in the feeble and conceding spirit of the recent Orders and Instructions.



CHAP. 6. might not proceed to those settlements from the same ports to which she was authorised to carry its produce. Under the shelter of this order, accordingly, the various settlements in the East and West Indies, of France, Spain, and Holland have been amply supplied with all necessary articles; and the property of the belligerent finds its object, in defiance of our cruizers, effectually and safely not only *to* but from the belligerent colony.

Protection  
thereby virtu-  
ally extended  
to the property  
of the enemy.

Of these expensive and weak indulgences to neutrals, these dangerous inroads on our great maritime interests and principles, the consequences are as injurious to England, as useful to her enemies. While, by the permission contained in the last order, especially, to which I have referred, a few additional cargoes may have been annually cleared outward and inward in the British ports, to and from the settlements of France and of her allies;\* the magnitude of the loss, at the expense of which this secondary

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\* Whatever may have been the extent of these exports and imports, they did little more than contribute to swell the custom-house accounts. The imports being generally warehoused, the advantage to the revenue was of course trifling.



advantage has been acquired, is rarely considered, or is forgotten; and we little trouble ourselves to balance against our supposed gain in export and import, the costly concessions of our maritime principles, and the incalculable advantages which are thereby afforded to the enemy.

It is obvious that the belligerent property which our Orders allow to be thus conveyed to their destination, *is protected against ourselves*. Predominant as we are at sea, and with cruizers and convoys, scattered over the ocean, we should be able, if not prevented by these new directions, to intercept a great proportion of the trade, either outward or inward, maintained with our enemies. Not a fraudulent cargo from or to the hostile colonies in the East or West, could be carried over a mile of sea, without danger of capture. The prospect of recompense would give new alertness—nothing could give new valour—to our seamen; and the nation would be encouraged and enriched by the spoils of the enemy. Whereas, under the existing regulations, our cruizers are multiplied, and the vigilance of our seamen is exercised, comparatively in vain. The country is put to the expense of frigates, and convoys, not so

The enemy's  
property pro-  
tected against  
ourselves.



## CHAP. 6.

much to annoy the trade of the enemy, as to protect its own; and we see the inestimable products of the two hemispheres safely passing, even within our reach, almost to the very warehouses of France, Holland, and Spain.

The trade of the belligerents and their intercourse with their colonies encouraged by these concessions,

The advantages derived by the enemy from these circumstances are yet more worthy of consideration. The intercourse of the belligerents with their colonies can scarcely be said to be disturbed. The hostile colonists have been enabled, under neutral flags, and with little difficulty and danger, to supply the markets of the mother country; and, after having availed themselves of pretended clearances, or proceeded directly to a neutral port, often immediately on their way, they have found little further obstacle to their destination to the ports of the enemy.

Neutral depots for the goods of the enemy.

A constant and regular intercourse, indeed, has been maintained between France, Holland, and Spain, and their Eastern and Western settlements, solely under the protection of the neutral, but chiefly of the American flag. America has become a double depot, first for the produce of the hostile settlements, and secondly for the manufactures and produce of the hostile metropole; and she has no less



effectually supplied the last with the produce of the first, than the first with the commodities of the last.

CHAP. 6.

This intercourse has been maintained almost without risque. The plain and simple rule of 1756 would have rendered vain the frauds and evasions which the subsequent rules have amply encouraged. When the property of the enemy was declared liable to prize, under the old principle, there was little room for stratagems and deceits ; but the modes of neutralizing, permitted by the new doctrines, have furnished occasion for a thousand artifices, which it is sometimes impossible, and always difficult to detect. America, like the other neutrals, has availed herself abundantly of the occasion, so furnished. When the American vessel arrived from the French or Spanish settlement, to neutralize in America, the bills of lading were generally destroyed, and new clearances, passports, invoices, &c. were procured, purporting that the shipment was made from an American port ; meantime, the cargo was never landed, and the vessel, in a few days, or hours, again put to sea, to compleat her destination without further difficulty. Even when the payment of the duties in America

And frauds of neutralization promoted by the same cause.



CHAP. 6. was required to be substantiated as a proof of the actual landing of the cargo, the evasion was ready. A bond was passed for the amount of the duty, to be cancelled, however, as soon as the vessel left the port ; and it was easy, afterwards, to produce, in case of capture, the receipt which had been given for the sum specified in the bond, and to depose that the duties had been paid “ *according to law.*” \* By these and other means no less fraudulent, but all flowing from our inconsiderate sacrifice of maritime principles and rights, the property of the belligerents has been safely transported over the world ; and England has been, in a considerable degree, foiled in almost the only kind of war which it was in her power to wage with effect, that against the trade and colonies of the enemy.

Consequences  
to England.

The trade of  
the belligerents  
wholly carried  
on under neu-  
tral flags.

• It is well known that France, Spain, and Holland, scarcely employ, at present, a single merchantman under their own flag, in their intercourse with their settlements, or in their whole trade. Every thing is done under American and other neutral colours. The sugar of the Havannah, the various and valuable

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\* This practice has been common.



products of the French Antilles, and of the isles of Bourbon and France ; and even the treasures of South America, and the spices of the East ; without which the commerce of the belligerents would be undone, and their treasury impoverished, and which, under our old system, would often fall in their transit into English hands, are, almost universally speaking, secured by the magic power of these neutralizing privileges from British capture ; and are easily circulated through the mother countries, or distributed through Europe, to rival the products of our own settlements, and to invigorate, by their returns, the strength, and activity of our enemies.

Hence it will be admitted that this neutral trade, arising from, and encouraged by, these ruinous relaxations, has a double reference. It is mischievous to England ; it is invaluable to France. To the first, it diminishes the power of distressing the enemy, and of making war with effect. To the last, it affords the means of maintaining the necessary intercourse with her colonies, of supporting her other commercial relations, and, in consequence of all, of continuing the war.

Effects on the  
revenue and  
power of the  
belligerents.



## CHAP. 6.

The flourish-  
ing state of the  
hostile colo-  
nies.

One thing is known. The various colonies of France, from the commencement of the French revolution to the present hour, have scarcely received the supply of one day's provision in a French vessel. Yet they have flourished, even during this period, and are flourishing, to an extraordinary degree; and it has been the proud and well founded boast of France, that Martinico and Guadaloupe, and Cayenne, and the isles of France and Reunion, have lately and signally advanced in population and wealth, while she herself receives their produce with safety and in abundance, though carried many thousand miles, through seas covered with British vessels.\*

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\* Among the effects resulting from the manner in which the neutrals have been allowed to carry on their own trade and that of the enemy, we may reckon the reduction of the rates of exchange, in the foreign colonies. The premium, in August last, on the best bills of exchange from the Havannah upon Spain, had fallen to four per cent.; and, at the same time the premium on bills drawn on England from Jamaica was about seven and a half, and on those drawn by some of our other islands it had risen to fifteen. If, however, the war continue, and the principles on which it is conducted be maintained much longer, exchange will not



Formerly, in the course of war, neutrals carried *some* part of the goods of the enemy, but were often checked even in that confined trade, by English cruisers. Now, on the contrary, neutrals carry the *whole* of the belligerent property, "whithersoever they list," and their vessels are rarely detained, and more rarely condemned. Every cargo arrives at its destination, to afford additional strength to the enemy; and, what is peculiarly worthy of observation, West India produce "very lately sold cheaper, clear of duties, in the hostile ports, than in our own."\*

CHAP. 6.

Former and present extent of neutral carriage.

That the exportation of her colonial productions, which is thus conducted under neutral flags, shall be for her own immediate advantage, France has taken good care. While she risks little by the carriage, she has provided that the cargoes shall be brought to her own ports, and that her own revenue shall

Caution of France to compel the neutrals to bring the produce of her colonies into her own ports.

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continue even at this rate. During the last war our colonists, in the Leeward and Windward Islands could not often find good bills to purchase at a rise of 20 per cent. and the premium in Jamaica was frequently as high as 10 or 12 per cent. See War in Disguise, p. 232.

\* War in Disguise.



CHAP. 6. enjoy the benefit. An actual previous payment of the whole duties of French impost is required in the colony, before the vessel is cleared;\* and certificates of the payment in advance have been found in some vessels which have been seized, but of which the ostensible destination was New York.

The whole nature of the maritime war changed by the privileges conferred on neutrals.

In this manner, by the yielding temper of our own orders, the belligerents are supplied with all the articles which they want, without hazarding a single vessel; and their revenues are fed by means which, under a vigorous system, we should have been able to intercept. Besides, these concessions not only relinquish the advantages of our maritime superiority, but enable France to extend and invigorate her military marine. While we are compelled to watch the enemy, to defend our colonies, to protect our trade by cruizers and convoys in every part of the world, and, consequently, to divide and enfeeble our naval force; the French carry on their commerce with little

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\* Sometimes bonds have been taken for the payment of double duties, in case of the exportation of the colonial cargo to any other than a port in the mother country.



risque, and have only to consider the most effectual modes of aggression and hostility, of alarming our settlements, intercepting our trade, and menacing our shores. In a word, while we are burdened with enormous expences, rather for the purpose of defence than reprisal, their maritime expences are comparatively slight; and applied to the one great object of active and mischievous attack. England, therefore, evidently prosecutes hostilities under every disadvantage, against an enemy whose trade and marine she is able to crush; and, in her prodigal concessions to neutrals, she may contemplate, at once, danger to herself, strength to the enemy, and a long and ruinous protraction of the war.

CHAP. 4.

England compelled to defend, France enabled to attack.

It is certain, indeed, even from a comparative view of the commercial tonnage employed by England in the year 1790, prior to the war, and by France in the year 1789, prior to the revolution, that the concessions, so frequently mentioned, must have proved eminently injurious to the first, and could alone have enabled the last, without the utmost disadvantage, to carry on almost any portion of the trade, by which her revenue has been swelled, and her people supplied. The whole tonnage employed

The question further considered from a comparative view of the tonnage of England and France.



CHAP. 6. in the trade of France in the year abovementioned (1789) was as follows

| French tonnage. | Foreign ditto. | Total.  |
|-----------------|----------------|---------|
| 426,121         | 427,476        | 853,597 |

And the whole tonnage employed in the trade of England, in the year above mentioned, (1790) was as follows,

| English tonnage. | Foreign ditto. | Total.      |
|------------------|----------------|-------------|
| 1,527,267        | 276,915        | 1,804,182.* |

If, therefore, France had been deprived, during the last eight years especially, of all that neutral carriage for which she has been indebted to English deviation from English system, she would have been utterly unable to carry on her most indispensable commerce, and her seamen and shipping, instead of being occupied for the purposes of war, must have been employed in procuring naval and warlike stores, and maintaining, as far as possible, her intercourse with her colonial and other markets; for her people must have been supplied, and her revenue sustained. The carrying on of her trade, however, in this manner, would

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\* See Appendix, No. II. for a more ample statement on this subject.



have been attended with great hazard and mischief. It would have required frigates, cruizers, and convoys. Her maritime strength, consequently, would have been divided, and therefore, lessened; and as she would have become proportionally vulnerable in her trade and her navy, the squadrons of England, instead of wandering over the ocean without meeting an avowed enemy, or of blockading ports, to prevent the escape of French armaments, often with so little effect, would have enjoyed opportunities, now so rare, of intercepting the property, and, at once, diminishing the revenue, and humbling the views and the pride of France.

It may be thought that any attempt, on the part of England, to resume the maritime rights which her yielding policy has relaxed or renounced, might precipitate the neutral powers into a hostile connection with France, in order to maintain, not the liberty, but the licence of their flags; and it will be readily admitted that, were his Majesty's ministers to withdraw the orders of 1794 and 1798, and to reestablish the principle of 1756, much and violent clamour would be excited in the neutral nations. It is not easy to recall a grant profitable to all but

Consequences  
with respect to  
neutrals, of  
withdrawing  
the conces-  
sions, &c.



CHAP. 6. the grantor ; nor would it be extraordinary that strong measures should be adopted to maintain the practices so gainful to foreign trade, which our concessions have appeared to encourage. But I am not of opinion that they would proceed to actual war, at such a season as the present, to maintain claims which cannot be granted without complicated mischief to this country. The gigantic power of France, with forces enough to give law to almost all Europe, has also acquired the means of establishing a formidable navy ; and the neutral kingdoms will not probably forget that, if England were compelled to resign the contest, they, also, would, in their turn, experience the insolence, and receive the commands, of French ambition. The doubtful, and at best momentary interests of a few of their speculating merchants, will scarcely be put in competition with the interests of nations. It will be considered how far the public welfare is to be effected by the hazards and results of a war against the only nation that remains to oppose and check the unlimited ambition of the man by whom almost all independent countries are equally threatened ; and, however the wisdom and prudence of neutral powers may decide this awful and momentous question, it

The neutrals would not maintain the concessions at the expense of a war with England.



would be, perhaps, better, in every view, to CHAP. 6.  
 abide, firmly and decidedly, the result of any  
 confederacy of the Neutral Powers,\* than to  
 submit to those monstrous abuses, which, if War better  
than conces-  
sion.  
 much longer allowed, must not only deprive  
 us of the power to prevent them, or to recal  
 the concessions by which they have been en-  
 couraged, but effectually reduce our maritime  
 resources and strength to a level with the humi-  
 liating wishes of France.†

It may not be unnecessary to observe, that Neutral claims  
provoked by  
British con-  
cessions.  
 the various and prodigal concessions which

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\* As we did at Copenhagen. The risk of that bold and successful measure, could have been justified by nothing, but the national importance of the principle, which it was intended to vindicate ; and if the principle was not to be maintained, the risk becomes equally absurd and criminal ; and we shall have supported only a power, odious with respect to the neutrals, and little more than nominal or useless with respect to ourselves.

† Since the publication of the former edition of the *Strictures*, I find, with much pleasure, that I have an able co-adjutor in the support of our old maritime principles, in the author of “ *War in Disguise.*” I have derived considerable assistance from him on the subject of neutral bottoms. He has displayed much justice and acuteness of remark, and a very considerable knowledge of the question which he discusses ; and the details appear to me well worthy of the attention of the public.



CHAP. 6. have been here mentioned, have served only to provoke the Neutral Powers to additional claims.\* America, though she has been peculiarly benefitted by the instructions of government of 1794 and 1798, to our courts of admiralty, and though, under those instructions, she has become the medium of intercourse between the belligerents and their colonies, with great advantage to herself, and great injury to this country, has of late advanced unwarranted demands in a very unwarrantable manner. The north of Europe has not adopted

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\* America, however, and the other neutral powers, have good reason to be satisfied with the concessions of England to the neutral flag ; and complaint and menace are but bad returns for advantages conferred. The trade which they have been permitted to carry on with the belligerents, has contributed, beyond all example, to the increase of their shipping, and to the individual wealth of many of their merchants. Among the profitable frauds with which this trade is conducted, it may be curious to advert, for a moment, to the contracts, pretended or real, into which the neutral merchants have entered. “ One neutral house boldly contracted for all the merchandize of the Dutch East India Company at Batavia, amounting to no less than £1,700,000.” “ The cargoes of five East Indiamen, all composed of the rich exports of Batavia, together with three of the ships, were cotemporary purchases, on speculation, of a



the same tone, but yet testifies discontent that, Great Britain, after having made so many concessions, should not surrender even the few rights which she has reserved. And it is not long since a work was circulated with great zeal, in London, by the order, it has been said, of the Swedish minister, in which tenets are advanced, with all the elaborate parade of maritime science, directly hostile, not to the general system of England in better times, but even to the last principles, the very remnant of her maritime laws which have yet been spared.\*

This work may be regarded as the authentic record of neutral pretensions, and as it may be necessary to know how far those pretensions

Extent of neutral claims, as stated by a Danish Civilian.

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single house at Providence, in Rhode Island, and were all bound, as asserted, to America." And "a man who at the breaking out of the war had been a petty shoemaker, in a small town of East Friesland, had, at one time, 150 vessels, navigating as his property, under Prussian colours."—See War in Disguise.—If, indeed, we look to the custom-house accounts of foreign shipping employed in Europe, the Prussian shipping, which in reality is very insignificant, will appear of immense extent.

\* Upon the visitation of neutral vessels under convoy—by Mr. J. F. W. Schlegel. London, 1801.



## CHAP. 6.

extend, I shall briefly advert to it with that view. In the well known code preserved in the collection, called *Il Consolato del Mare*, approved and successively adopted in the 12th and 13th centuries by most of the maritime states, particularly in the south of Europe,\* the principle was clearly laid down, that the property of an enemy found on board a neutral vessel should be considered as lawful prize. “Se la nave o navilio, che pigliato sarà, fusse di amici, e le mercantie, che lui porterá, saranno d'inimici, lo armiraglio della nave o del navilio armata, puo forzare et constringere quel patrone di quelle nave o di quel navilio, che lui pigliato haverá, che lui conquella sua nave gli debba portare quello, che di suoi inimici sara.”† This doctrine, which is in every respect consistent with the law of nations, *has been long* considered in the admiralty courts of Europe, as one of the leading rules of adjudication. Yet it has been utterly and contemptuously rejected by the author of the work before us.‡

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\* See Giannone *Istoria di Napoli*. L. 11. c. 6.

† *Il Consolato del Mare*, cap. 273. See Appendix A. to the spirited letters of Sulpicius on the Northern Confederacy.

‡ The rule quoted has been termed by Mr. Schlegel “a superannuated law.” He had his reasons.



That the neutral flag protects the cargo—  
 Le pavillon neutre couvre le merchandize—is a doctrine in itself of great latitude, but his commentary has given to it almost unbounded licence; and, according to him, “no regard should be paid to the proprietor of the cargo, but, of the vessel;”—no captures by privateers\* can be maintained consistently “with the rights of nations;”—“no property can be justly seized as enemy’s, which belongs to the individual subjects of that power, and can not therefore, be considered as public.†—No merchant ships whatever under convoy should be subject to be visited by a belligerent, the simple declaration of the officer commanding the escort, that the vessels convoyed do not carry any thing contraband, being perfectly sufficient;”—and no convoyed vessels that refuse to be

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\* “Privateers have been considered as little better than pirates.” See the work, p. 51.

† “Before,” says he, “we acknowledge the right of seizing enemy’s effects, wherever they are found, we must begin by restraining these words, *enemy’s effects*, to *public* property, belonging to the belligerent power, which alone can be considered as enemy’s, and not the effects belonging to individuals subjects to that power.” P. 57.



CHAP. 6. be visited shall be confiscated, because the belligerent "has no right, in such case, but that of demanding from the neutral state, the punishment of the commander, or every other kind of satisfaction."\*

These principles, absurd and almost ludicrous as they are, will be found, if traced to their source, in the systems adopted and maintained, and possibly again to be renewed, by neutral confederacies. In the maritime treaty between Russia and the King of Denmark, &c. of 1780, the articles of which have served ever since as the basis of neutral expectation and demand, the contracting Powers mutually covenant as follows :

" 1st. That it will be lawful for any ship whatever to sail freely from one port to another, or along the coast of the powers now at war."

" 2d. That all merchandize and effects belonging to the subjects of belligerents, shipped in neutral bottoms, shall be entirely free, except contraband goods."

" 3d. In order to ascertain what constitutes the blockade of any place or port, it is to be

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\* See Mr. Schlegel's work, p. 7, 48, 57, 70, III, &c. &c.



understood to be in such predicament, when the assailing power has taken such a station as to expose to imminent danger any ship or ships that would attempt to sail in or out of said ports."

"4th. No neutral ship shall be stopped without a material and well grounded cause; and in such case justice shall be done to them without loss of time; and, besides indemnifying each and every time, the parties thus stopped without sufficient cause, full satisfaction shall be given to the high contracting powers, for the insult offered to their flag."

And further stipulations were entered into in this, and other northern treaties, that the vessels of war of any one of the contracting powers, shall serve as convoy, if occasion should require, not only for their own ships, but for the ships of their confederates; that all merchantmen, sailing under convoy, shall be exempted from search; and that the simple assurance of the commanding officer of the convoy, shall be held sufficient, in lieu of all such examination as had hitherto been usually made.

It is scarcely enough to speak of doctrines like these as unwarranted and unjust. They



CHAP. 6. include every thing of neutral policy that is mischievous, insidious, and fraudulent, and were they established, all maritime capture, and, of course, all maritime annoyance, with respect to belligerents who were not willing to risque their ships of war in engagements, would cease; and from that moment, England would lose the advantage of naval superiority, and, might date the æra of her humiliation, and dependence. Even the coasting trade of France, when at war with us, would be carried on as securely as in peace. Her merchants might cover the seas with her ships, and transport their cargoes to every quarter of the world, if neutral passports can be bought for the one, or if neutral freight can be hired for the other. Her ports could never be blockaded, with any effect, and our squadrons cruising at the very entrance of Brest, must look tamely on, while the neutrals, or pretended friends, would supply it with every article of naval stores. And lest even this should be insufficient to cramp all our efforts, and utterly to annihilate our whole naval strength, more need not be done by France, than to purchase the friendship, or command the service, of the most <sup>in</sup>considerable neutral state, and under the pretended neutral convoy



of that flag, her ships might sail unquestioned and unmoisted, through the British seas, and even insult us at the very mouths of our own harbours." \*

The belligerent power, we are told, must abide by the declaration of the commanding officer of the convoy. But may not the commanding officer possibly be a party to the fraud? May there not be stores on board which he may declare, according to the rules laid down by the power which employs him, not to be contraband, as, for instance, enemy's property and naval stores, but which are laid down as contraband by the maritime laws of England? May he not be deceived, even as to the vessels of his own nation, the cargoes of which he can have no particular concern to examine, and yet more as to other neutral ships which he may meet at sea, and which may claim his protection? And may he not, even without being deceived, or without being a party to the fraud, be inclined to protect the stake which his country has committed to his charge, at the expense of a fallacy and collusion to which no responsibility is annexed?

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\* Sulpicius on the Northern Confederacy. Letter IV.



## CHAP. 6.

No search to  
be made with-  
out well  
grounded  
cause.

We are told, also, "that no ship shall be stopped without well grounded cause," and that for any vessel so stopped, double compensation shall be made, first for the expense of detention, and secondly for the insult offered to their flag.—Thus the fraud of the neutral is to be screened, the error of the belligerent is to be punished. But in what manner is this "well grounded cause" to be discovered? May we hope by surveying the distant vessel through a telescope, to obtain a knowledge of its contents? Is no search to be made without information on oath of the freight of the neutral? Is there any intuitive knowledge which may inform the captain of a belligerent sloop what military stores are contained in the hold of a neutral merchantman? Thus, then, these regulations would, in reality, impede or prohibit all search. Fraud would be encouraged by new hopes of impunity; and war would be protracted by the supplies which would be derived from this encouragement of fraud. It is full time, therefore, in the words of a judge, who never fails to express sound doctrine in vigorous language, to inquire how far pretensions can be legally maintained, which have for their purpose neither more nor less than to

Necessity of  
national deci-  
sion on neutral  
practices and  
principles.



extinguish the right of maritime capture in war. It is high time, that the legal merit of such pretension should be disposed of one way or other—it has been for some years past PREPARING in Europe—for a worse state of things cannot exist than that of an undetermined conflict *between the law of nations, as understood and practiced for centuries of civilized nations, and a modern project of innovation, utterly inconsistent with it*; and, in my apprehension, not more inconsistent with it, than with the amity of neighbouring States, and the personal safety of their respective subjects.” \*

It is singular that the very nations which press these doctrines with greatest zeal, have made little scruple of violating their own system, when their interest appeared to be concerned. According to the admission of Dr. Schlegel himself, his own government “ was led by a temporizing policy to forget the very principles of which it had so recently shewn itself the zealous and bold defender;† and in the

Neutral  
inconsistency  
considered.

Sweden and  
Denmark.

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\* Report of the judgment of Sir William Scott in the High Court of Admiralty upon the Swedish convoy—1799.

† P. 17. Nations may be easily; it seems, “ led to forget;”



CHAP. 6. convention between Sweden and Denmark \* in 1794, as well as in the rescript of the latter in 1793,† principles are admitted directly hostile to those which have been recently urged by the same powers.

Russia, also, has afforded proof that she can occasionally sacrifice neutral pretensions to political interest. In 1793, instead of admitting the principle which she adopted in 1780, and has since resumed, that convoy should protect from search, that free vessels make free goods, or that trade should be free along the coasts of belligerents, she sent a fleet into the Baltic to support the ancient system of maritime law, and she not only, at that time, issued express orders to her admiral to search all Danish ships, *sailing under convoy*, but on the same principles, threatened the Danes, in 1799, with

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but they whose memory is so bad by design, should not be so earnest in correcting the systems of other kingdoms.

\* See preface to Discourse on the Conduct of the Government of Great Britain, in respect to Neutral Nations, p. 30, by the Lord Liverpool.

† This rescript enjoins "all Danish subjects not to attempt to carry in neutral ships any belligerent property."



immediate hostilities, if they longer supplied assistance and protection to the commerce of France, under the Danish flag.

The neutral powers, then, seem to possess no system but the system of occasion, and of gain; and, according as their views required, they have alternately asserted and renounced the same rules of neutral carriage. But, we do not estimate their principles merely by their inconsistency. They have not advanced a single pretension, relative to the rights of search, the privileges of convoy, or the freedom of neutral bottoms, to which the authority of the highest names is not to be opposed. The admission of Grotius extends the right of capture, on certain occasions, to the vessels even of friends and allies.—*Neque amicorum naves in prædam veniunt ob res hostiles, NISI consensu id factum sit dominorum navis.\** Bynkershoek is yet more clear and decisive. *Ratione habita non sum qui videam cur non liceret capere res hostiles, quamvis in navi amica repertas id enim capio, quod hostium est, quod-*

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\* Grotius de Jure Belli et Pacis, Lib. iii. c. 6. in notis. Barbeyrac.



## CHAP. 6.

Vattel.

que jure belli victori cedit.\* In the same strain, Vattel proceeds.—“ On ne peut empêcher le transport des effets de contrebande, si l'on ne visite pas les vaisseaux neutres que l'on rencontre en mer. On est donc en droit de les visiter. Quelques nations puissantes ont refusé en différents tems se soumettre à cette visite, *aujourd'hui un vaisseau neutre, qui refuseroit de souffrir la visite, se feroit condamner par cela seul, comme étant de bonne prise.*” † Puffendorf, on the subject, adopts a language of greater energy, and peculiarly applicable to the present times. “ Les Anglois peuvent dire sans absurdité, qu'il leur est permis de faire tout le mal qu' ils peuvent aux François avec qu' ils sont en guerre, et par conséquent d' employer ce moien le plus propre à les affoiblir, qui consiste a traverser ou empêcher leur commerce: qu'il n' est pas juste que les peuples neutres s'enrichissent à leurs depens, et en attirant à eux un commerce interrompu pour l'Angleterre, fournissent à la France des secours pour continuer la guerre. On ne doit pas souffrir qu'ils l'augmentent, à l'occasion de la

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\* Bylkershoek Questionum Juris Publici, Lib. i. cap. 14.

† Law of Nations, Book iii. c. vii. sec. 114.



guerre, au préjudice des Anglois. Mais comme l'avidité des marchands est si grande, que, pour le moindre gain, ils ne font aucun scrupule d'aller au delà des justes bornes : les nations qui sont en guerre, peuvent faire visiter les vaisseaux des peuples neutres ; et, s'il s'y trouve des marchandises défendues, les confisquer de plein droit. D'ailleurs, je ne suis pas surpris que les Rois du Nord aient plus d'égard à l'intérêt général de toute l'Europe, qu'aux plaintes de quelque marchands avides de gain, qui ne se soucient pas que tout aille sans dessus dessous, pourvû qu'ils satisfassent leur avarice. Ces mêmes princes jugent sagement, qu'il n'est pas à propos pour eux de prendre des mesures précipitées, pendant que d'autres peuples travaillent de toutes leurs forces à réduire dans un état de juste médiocrité cette puissance insolente, qui menace de mettre toute l'Europe dans ses fers. Ce qui étant aussi de l'intérêt des Couronnes du Nord, il ne seroit ni juste, ni raisonnable, que pour un petit profit à temps, elles troublassent un dessein si salutaire, dont on tâche de venir à-bout, sans qu'il leur en coûte rien, et <sup>qu'ils ne</sup> ~~qu'ils ne~~ courent aucun risque, &c." \*

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\* Le Droit de la Nature et des Gens, traduit par Barbeyrac: Liv. 8, c. 6, § 8. note.



CHAP. 6. The French writers on the Maritime Law of Nations, except when they were compelled to accommodate their opinions to political circumstances, have uniformly held similar opinions as to the rights of neutral bottoms. *Que la robe d'ami confisque celle d'ennemi* has been among the most moderate of the rules maintained in the courts of maritime jurisdiction in France. Colbert has introduced it into his celebrated ordinance of 1681;\* and not long since it was extended in such a manner as amounts to a virtual prohibition to neutral powers, of any commercial intercourse with the enemies of France.† Mr. President Jefferson has also delivered his opinion clearly, and I am glad of the opportunity to add, more correctly, on these topics: "It cannot be doubted," he asserts, "but that by the general law of nations, the goods of a friend found in the vessel of an enemy, are free, and the goods of an enemy found in the vessel of a friend, are lawful prize. Upon this principle, I presume the

Colbert.

President  
Jefferson.

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\* Naval Ordinance. Title 9. Artic. 7.

† See Memorial delivered to Mons. Berkenrode, Dutch minister at Paris, at the commencement of the revolution.



British armed vessels have taken the property of French citizens found in our vessels, and I confess I should be at a loss on what principle to reclaim it. With England we have no treaties, and therefore nothing to oppose to the general law of nations, that enemy's goods are lawful prize though found in the bottoms of a friend.—This is a long established principle of the law of nations.”\* The language of Sir William Scott is equally forcible and explicit. “The right of visiting and searching merchantmen, whatever be the cargoes, whatever be the destination, is an incontestible right of the lawfully commissioned cruizers of a belligerent nation. Till ships are visited and searched, it cannot appear what the cargoes or destinations are. The right is so clear in principle that no man can deny it, who admits the legality of maritime capture. Even those who contend for the inadmissible rule, that free ships make free goods, must admit the exercise of this right. It is equally clear in practice, for practice is uniform and universal on the subject. All writers upon the Law of Nations

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\* State Papers published by order of Congress, 1795, p. 71.



CHAP. 6. unanimously acknowledge it, without the exception even of Hubner himself, the great champion of neutral privileges. In short, no man in the least degree conversant in subjects of this kind has ever, that I know of, breathed a doubt about it.” \*

These authorities, on the general principle, are of weight, and they derive peculiar sanction from the circumstances of the times. “The especial consideration which I shall notice in favour of Great Britain (and which I am entirely desirous of allowing to Sweden in the same or similar circumstances) is, that the nature of the present war, does give this country the rights of war, relative to neutral states, in *as large a measure as they have been regularly and legally* exercised, at any period of modern and civilized times. Whether I estimate the nature of the war justly, I leave to the judgment of Europe, when I declare that, this is a war in which neutral states themselves have an interest much more direct and substantial

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\* Report of the judgment of the High Court of Admiralty on the Swedish convoy.—Mr. Schlegel has since done something more than “breathe a doubt about it.”



than they have in the ordinary, limited, and private quarrels of Great Britain, (if I may so call them) and its great public enemy.”\* CHAP. 6.

In the manly and animated letters of Sulpicius (attributed to a distinguished statesman) we find the same determined adherence to the genuine and established principles of maritime law. “ France, (says that writer) has no remaining resource, but in the establishment of a new code of maritime law, which may, by its operation, debilitate that strength, against which all her open and direct hostility has been found unavailing. She has, therefore, raised a new standard, to which all nations are invited to repair, who estimate a dishonest and fraudulent gain, above the maintenance of national honour, or the defence of the common independence of Europe.—If we enquire, then, into the justice of our cause, or examine the validity of those laws which the British courts of admiralty consider as still in force, by what rules shall these questions be decided?—Shall the opinions of civilians prevail, as delivered

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\* Report of the judgment of the High Court of Admiralty upon the Swedish convoy.



CHAP. 6. to the world in writings of long established reputation? — Grotius, Puffendorf, Bynkershoek, all the ancient writers, even Vattel, agree in the doctrines which Great Britain now maintains.—Are the decisions of courts of maritime jurisdiction to stand as sure land-marks to guide their successors? The courts of admiralty of every maritime country without exception, have, for ages, recognized our principles as the rules of their judgments.—Is the law of nations on the subject, to be found in the marine ordinances of belligerent powers? Those of France, of Spain, of Holland, are all, in some respects, less favourable to neutral powers than the British system, but, all adopt and recognise the validity of our principles, as forming the ground work on which they all proceed.—Shall the antient practice on the subject, be taken without enquiry, as the rule of present conduct? The antient practice is confessedly in our favour.—Are we to determine by modern usage? The most modern practice is also decidedly in favour of the British system of maritime law.”\*

Under these authorities, then, sanctioned as

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\* Sulpicius on the Northern Confederacy, Letter I.




they are by reason and by experience, we may safely assert the injustice and danger of neutral claims, and the incontestible right of this country to resist them. They evidently involve every thing of national strength, and national dignity ; and it will not be too much to say that, when we shall permit them to be established, we shall, in the language of the writer last quoted, “lose all title to pre-eminence, and all claim to national distinction ; the memory of our past triumphs will serve only as an additional reproach to the humiliation of that moment ; and instead of the unshaken confidence with which we now withstand the aggressions of nations leagued against us, we must receive the yoke of France, and submit, in dependency and shame, to the ruin of our once free, glorious, and happy country.”



## CHAPTER VII.

*Further evidences of the importance of the Navigation and Colonial System.*

CHAP. 7.  WHEN I assert the importance of the established principles of English navigation, to the commercial and maritime prosperity of this country, I rest my opinion on no abstract and theoretic grounds, but, on the strong and stubborn evidence of experience and of fact. For some time after the American war, the increase of our shipping was rapid and remarkable; and Lord Liverpool, and other very intelligent men, have not hesitated to ascribe that increase to the policy, and to the policy alone, with which England then maintained her navigation and colonial system. Whereas, in the course of ten years, during which we were renouncing our old and wise regulations, the extraordinary diminution in our tonnage, which has been mentioned, took place;\* while the number

Prosperity and decline of English shipping, and cause.

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\* See page ~~17~~ 18.



of vessels employed by Great Britain in the American trade, diminished as rapidly as it had before increased; and the tonnage of America, according to her own account, advanced with yet greater rapidity, viz. to 939,000, that is, to within about 15,000 of what is known to have been the whole commercial tonnage of England, in the year 1787.\* It would there-

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\* A return made about two years after the passing of the Register Act, which is more accurate than any that had ever before been made, and which proved the quantity of our tonnage to be considerably more than had been supposed, states that, in the year 1787, (a period immediately preceding the derangement of the French revolution,) the ships and tonnage of England and Scotland were as follows:

|           |   |   | Ships. |   | Tonnage. |
|-----------|---|---|--------|---|----------|
| England,  | - | - | 8711   | - | 954,729  |
| Scotland, | - | - | 1700   | - | 133,934  |

It should be observed that many ships, then at sea, particularly 54 East Indiamen amounting to 43,629 tons, are not included in the above tonnage. The shipping of Ireland, Guernsey, Jersey, Man, and all our colonies, in Asia, Africa, and America, are omitted.

50,907 sailors paid their sixpences to Greenwich that year. Many certainly evade this duty. It is probable that the number of seamen is generally estimated too high; yet little doubt remains that the *merchant service* at that time actually employed upwards of 80,000 men,



CHAP. 7. fore appear, not only that, our commerce and marine are intimately connected with our navigation system, but that, as that system is infringed or maintained, the commerce and marine are to flourish or decline.

Political importance of the trade to British West Indies,

Even the slightest view of our West Indian trade, will render the danger of infringements of this kind, sufficiently obvious. The number of vessels employed in our commerce with that part of the world in the year 1791, as appears by the report of the Committee of Privy Council, amounted to upwards of 740, containing 154,643 tons.\* This is great in a

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a calculation, however, of one man to 12 tons on the present tonnage, would make the amount much greater. The returns of shipping and tonnage made since 1793, include prize ships.

The value of all the shipping, including rigging and stores, estimated at 8 guineas per ton, is - - - £. 9,504,650,8

The average expense of the wear and tear at 12 per cent. - - - 1,140,558,11

Clear annual profit at 6 per cent 570,279,5

The Register includes every decked vessel, as low as five ton, or even lower, and every half-decked fishing vessel, and all craft below London bridge.

\* This statement does not include the vessels employed between the remaining British Colonies, and the British Islands in the West Indies.



commercial, but still greater in a political estimate. The prosperity of the trade proves the wisdom of the system on which it has been conducted; and the number of seamen and vessels which it employs, renders it of essential consequence to the maritime power of the nation.

I feel more zealous on this subject from a knowledge of the efforts that have been made to derange the essential principles of laws and systems under which we have flourished,\* and which have become the object of applause, and as far as possible, of imitation, in foreign nations. Some of the West Indian planters more than once, and that with violence and clamour, have laboured to accomplish their views of an unrestricted intercourse with America; and the activity of their zeal, and the eager selfishness of their views, still continue to be exerted to carry their point. We know that, on the occasion of the treaty of 1794, with the United States, they proceeded so far in conjunction with the Americans, as to obtain

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\* The Navigation, Corn, and Poor Laws, have all been altered without attention to the true and original spirit of them.



**CHAP. 7.** the important and mischievous concession that American vessels, not exceeding 70 tons, should enjoy a free trade to the West India ports. Fortunately, the Americans were dissatisfied with the limitation ; but though they suspended the ratification of the article, (and they should in future be kept to their word) the fact is still the same, and continues to speak a very forcible admonition. I am, therefore, apprehensive, and more particularly when I recollect that they into whose hands these affairs generally fall, do not always direct their attention to such subjects. They are too apt to listen to those who have a measure to carry, or a prejudice to maintain ; and however acquainted they may be with theory and theoretic writings, which often mislead, they have not sufficient practical knowledge to comprehend the full meaning and probable consequences of what is proposed.

Authorities  
and inferences.

I cannot but dwell much and anxiously on a subject which involves not merely the maintenance of our navy, but the whole use, and advantage, and dependence of our colonies. Sir Josiah Child, speaking of our West India Islands, maintains, that “ if they were not kept to the rules of the Act of Navigation, the



consequence would be, that, in a few years, the benefit of them would be wholly lost to the nation." Dr. Adam Smith frequently implies the same persuasion, and asserts unequivocally, "that the same act is the wisest of all the commercial regulations of England." Mr. Gentz, as we have seen, adopts and heightens this language of approbation and praise. I repose not, however, even on the high authority of these names, but on the facts and evidences by which that authority has been sanctioned; and I do not hesitate to assert my own persuasion, not only that, if the admittance of American shipping into the West India ports is to be allowed, those islands would become dependent on the American States; and that, rather than surrender the carrying trade to the islands, it would be incomparably better to renounce the islands themselves.

It can scarcely be repeated too often that Britain derives no benefit from her West India Colonies, except those accruing to her navigation, manufactures, and agriculture, by supplying their wants, and by the monopoly of their carrying trade; and it is those advantages alone, procured and preserved by the navigation system, which can countervail, in any

The whole dependence and utility of colonies connected with the question.



## CHAP. 7.

respect, the enormous expense of protecting them. The same articles which they furnish, might be purchased at least twenty per cent. cheaper at other markets, and the same revenue would arise from them, if they came through the Dutch, the Danes, or the French. I see not, therefore, why we should make the sacrifices expected from us, either with respect to America, or the islands; with respect to America, because there can be little doubt of her continuing to take from us more than she can pay for; and with respect to the Islands, because the monopoly which they enjoy of the British market, secures to them a better price than they could elsewhere obtain. There is no friendship in commerce. The Americans, particularly, had no object but commercial advantage in all their negotiations. Even before the æra of their independence, they avoided taking from this country, as much as they could, those articles which were not absolutely necessary to them, or which they could obtain at other markets with greater advantage. And when we consider, besides, what I shall hereafter state more fully, that our trade is infinitely more necessary to them than theirs to us; that by taking our commodities they are

No reason to sacrifice the West India market, either with respect to the colonies or America.



enabled to trade on British capital ; and that our exports to them, are of much less value than is generally supposed ; we shall, I hope, feel yet more disinclined to yield to their avidity any principle of our essential regulations and laws.



## CHAPTER VIII.

*Consequence of future Suspensions of the Navigation Laws.*

## CHAP. 8.

The suspension of the Navigation Laws further mischievous—1st, As it must promote a clandestine intercourse between America and the Islands.

BUT I observe further mischief likely to flow from any suspension of our navigation System. The Americans will naturally make all possible use of their admission into the West India ports. Their merchants will not be more delicate than those of other nations. The emoluments of contraband trade will be added to the profits of permitted commerce: and there can be little doubt but that a considerable portion of such foreign European manufactures, East India goods, and other articles, as shall be required by the islands, and have been hitherto furnished by British vessels, will be clandestinely supplied by American bottoms; and that the officers of the customs will be found but a feeble check to so illicit and mischievous a trade.

So utterly regardless of fact are some of the hired or interested writers in favour of the suspension of the Navigation Laws, that they have



even ventured to assert that such an illegal commerce “could not be attempted without discovery.” But the fact is notoriously the contrary, and unfortunately for the assertion, which could not be made but for the purpose of imposition, there are many instances of seizures on record for attempts of that nature. The Custom House officers, however alert, cannot be always found at every creek where the clandestine attempt is to be made; and they, at this moment admit, the inadequacy of their power to check the practices which they are appointed to prevent. Vessels trading to the West Indies, are not strictly confined to any regular station; and after having made their entry at the port, they run up the bays and inlets, and discharge their cargoes at the plantations. The officers of the revenue can not follow them every where; and, besides, attendance and prosecution have been found to be so expensive that, attempts to prevent clandestine practices, seem to be, in a great degree, relinquished.

The suspension of the Navigation Act will be further mischievous, as it will enable America directly to supply foreign markets with the produce of the Islands. The American

adly, As it must enable America directly to supply foreign markets with the produce of the Islands.



**CHAP. 8.** merchants, having become the carriers to the Islands, of lumber and provisions, and clandestinely of other articles, will, in return, if they do not receive money, bring back cargoes of sugar, coffee, molasses, and rum. The consequences will be felt in a two-fold manner by England. The price of the above mentioned articles will be raised on the British consumer ; and America will be enabled, possibly to dispute with us, and certainly to participate, the advantages of supplying with such valuable commodities, the wants and demands of foreign markets.

But the subject merits further observation. On an average of three years, during which our Navigation Laws were suspended, or infringed, that is, of 1795, 1796, and 1797, American vessels, amounting to 1289, containing 139,911 tons, and navigated by 8702 men, entered the several ports of the British West Indies, and 1231 American vessels, containing 128,924 tons, cleared out from them.\* If,

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\* In this statement (which would be, perhaps, more clear if the word cargoes were substituted for 'vessels,') repeated voyages are included, the returns from the West Indies not furnishing the means of more explicit



therefore, the opening of the ports of the Islands should be continued or renewed, it is clear that the navigation of this kingdom, and its dependencies, must experience a momentous loss: for it must lessen, at least, in proportion to the tonnage and number of men above-mentioned to be employed, since so much will be taken from the carrying trade of this nation,\* and the very loss of the freightage of such a number of vessels, would be an evil of great magnitude and great mischief.

In fact the Americans, so privileged, would be able to monopolize the whole, or the greater portion of the supply of our West India colonies, and of the trade connected with it. They would enjoy, whenever we were at war, all the advantages of peace insurance, peace wages, peace freight, and peace contingencies of every

3dly, As it must transfer to America the supply of the British West Indies, and the trade connected with it.

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distinctions. But the fact, as it is stated, answers all the purpose of comparison, and nearly coincides with the extracts from the Jamaica Memorial dated 20th April 1805, already quoted.

\* The diminution will be considerably greater. The American trade with the Islands, if it should be permitted, will, it is probable, very much and very rapidly increase; and every additional vessel and man which may, consequently, be employed by America, may be estimated as a loss of so much to British trade.



CHAP. 8. kind ; and, at all times, they would be able to make, perhaps, a treble voyage,\* in about half the time which a British vessel requires to make one full freighting to the West Indies and back.† Under all these local and other advantages in favour of America, we assuredly could offer no effectual competition. The trade would consequently be transferred, and the seamen being transferred with the trade, ~~they~~<sup>they</sup> would learn to regard the country ~~as~~<sup>as</sup> served, as their own, and be thus lost to England for ever.

The consequences already experienced in the West India trade.

These apprehensions are not without cause. The very extraordinary and immediate effect on the whole trade, by the discouragements to British shipping, in consequence of the licenses granted by West India Governors, appears, by the following statement of imports and exports, into and from, the American States and the British West Indies.

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\* One, for instance, from America to the Islands, another from the Islands to Europe, and a third from Europe back again to America.

† Our vessels, in general, go out with about one quarter freight, or in ballast, and make but one voyage in the year.



*Average Exports of four years ending in 1801, from the  
American States :*

CHAP. 8.

Since licenses were granted,

| Dry fish. | Wet do. | Oak & pine<br>boards. | Shingles.  | Oak & pine<br>timber. | Beef and<br>pork. |
|-----------|---------|-----------------------|------------|-----------------------|-------------------|
| Quintals. | Brls.   | Feet.                 | No.        | Tons.                 | Brls.             |
| 124,781   | 29,783  | 33,580,342            | 42,807,944 | 12,758                | 38,629            |

*Average of four years ending in 1792 :*

Before licenses were granted,

|    |     |            |            |       |    |
|----|-----|------------|------------|-------|----|
| 20 | 134 | 13,169,310 | 20,156,272 | 6,626 | 26 |
|----|-----|------------|------------|-------|----|

*Average Imports of four years ending in 1801, into the  
American States :*

Since licenses were granted,

| Rum.      | Sugar.  | Coffee. | Cocoa. |
|-----------|---------|---------|--------|
| Gallons.  | Cwt.    | Cwt.    | Cwt.   |
| 3,313,123 | 133,488 | 23,473  | 3,589  |

*Average of four years ending in 1792 :*

Before licenses were granted,


|           |        |       |    |
|-----------|--------|-------|----|
| 1,782,874 | 20,599 | 2,919 | 31 |
|-----------|--------|-------|----|

Of the articles thus imported and exported in the four years ending 1801, the carriage was wholly, or with the exception of a very few cargoes, enjoyed by the Americans ; and from the progress thus made in the trade of the United States we may judge, with tolerable accuracy, of the consequences that must result to British shipping from a continuation of those indulgences which have already produced such effects.



## CHAPTER IX.

*On the capability of the United Kingdom and its dependencies to supply the British West Indies, and on the political and commercial necessity of maintaining the exclusive right to that supply.*

CHAP. 9.  
  
 Necessity of a  
 minute con-  
 sideration of  
 the question,

THE capability of Great Britain and Ireland, and of the remaining settlements in North America, to supply the demands of the West Indian market, has been, on former occasions, very amply discussed, and generally admitted. I had, therefore, indulged the hope that it was no longer necessary to direct the attention of the public, in any particular manner, to the question; and it was, consequently, dismissed, with proportional brevity of remark, in the first edition of this work. But the power of supply, which had been so investigated and acknowledged, is, it seems, to be again denied. In several late memorials from Jamaica, we read of nothing but the incompetency of England and its dependencies, as far as this subject is concerned; and, it is maintained with no great





moderation of language, that it has become absolutely necessary, not merely to the prosperity, but to the existence of the West India colonies, to extinguish, at once, almost the whole of those restrictions, or regulations, under which their trade has been so long and prosperously conducted, and to open their ports, freely and effectually, to American produce in American vessels. In this country, the same doctrines have been sustained by American or West Indian agents, and with the same facility of assertion. While all the evidence of former enquiries and reports on the topic are ignorantly or wilfully overlooked, we are told perpetually, not only, of the illiberality and cruelty of Great Britain in maintaining her ancient principles of colonial policy, but, of the constant danger to which the islands are, thereby, exposed, of want and famine ; and, as if all these dogmatical assertions had been fortified by admitted or incontrovertible fact, we are, finally, called on to sacrifice to America, the whole maritime constitution of the Empire, and to appease idle and interested clamour, by the renunciation of national and most essential interests. It may be necessary, therefore, to give to this question a more ample investigation.

Demands of  
West Indian  
and American  
agents.



## CHAP. 9.

Opinions of  
Mr. Edwards.

Almost all the arguments which have been lately advanced in favour of these claims and principles, have been borrowed from Mr. Edwards, who himself borrowed them from his predecessors in the same inquiry. It will be recollected, however, by intelligent men, that the name of Mr. Edwards does not carry with it any infallible authority. Of the facts and statements of that writer, many are now known to be unsupported and fallacious. He was a colonist, a planter, and a considerable proprietor of slaves; and he appears to <sup>have been</sup> ~~be~~ so far warped by private or interested motives, as to have adopted views and opinions on the most suspicious testimony, merely because they seemed to favour his system. His tale of the son of the Count de Grasse, so hastily and cruelly admitted into his work; his continued attestation in favour of the honour and veracity of the person from whose slander that tale was derived; his whole story of the "Testament de mort d'Ogé," repeated on the doubtful credit of a Frenchman of St. Domingo, who had persecuted, and been persecuted in his turn;\* the

Carelessness  
and rashness of  
that writer.

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\* The story, it has been thought, was invented for the basest purposes, and it actually seems to have involved and accelerated the fate of several unhappy men. See Brougham's Colonial Policy, Vol. ii. note v v.



anecdote of Gallifet's slaves, in which dates and circumstances, essential to the accuracy of the story, have been either wilfully suppressed, or ignorantly omitted; and some other particulars which it is not now necessary to state, seem fully to warrant the opinion that has been pronounced, "that the rashness of Mr. Edwards in admitting facts, was not greater than his rashness in admitting opinions." \* I do not, Why noticed. however, advert to these particulars, for the sole purpose of impeaching the veracity of the historian, but of reminding his readers of the folly of implicit credulity, and of expressing my regret, that the general value of his work should be diminished by the admission of many hasty doctrines and injurious fabrications.

On the West India supply trade he speaks with as little caution as, sometimes on other topics. "If ever," says he, "there was one particular branch of commerce in the world that called less for restraint and limitation than another, it was that which was carried on, previous to the year 1774, between the West India planters and the inhabitants of North

His unqualified  
assertions and  
statements  
examined.

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\* Brougham's Colonial Policy, Vol. II. 459-561, &c. &c.



CHAP. 9. America ;" \*—and this broad and most unqualified assertion he attempts to support by arguments, founded on a table, which, nevertheless, proves nothing, but which I subjoin, because it will be hereafter referred to.

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\* Hist. West Indies, Vol. II. p. 485. It is necessary to observe, that Mr. Edwards has chosen a period, between which and any subsequent time no just comparison can be made ; the relative situations of the United States and the remaining colonies having been totally changed.



*Account of the total Imports from North America, including Canada, Nova Scotia, Newfoundland, and St. John's, into the British West India Islands, in the years 1771, 1772, 1773: \**

CHAP. 9.

|                             |          | From United<br>States. | From Canada<br>and<br>Nova Scotia. | From<br>Newfound-<br>land. |
|-----------------------------|----------|------------------------|------------------------------------|----------------------------|
| Boards, timber              | feet     | 76,767,695             | 232,040                            | 2,000                      |
| Shingles                    | No.      | 59,586,194             | 185,000                            |                            |
| Staves                      | No.      | 57,998,661             | 27,350                             |                            |
| Hoops                       | No.      | 4,712,005              | 16,250                             | 9,000                      |
| Corn                        | bush.    | 1,204,389              | 24                                 |                            |
| Peas and beans              | ditto    | 64,006                 | 1,017                              |                            |
| Bread and flour             | barrels  | 396,329                | 991                                |                            |
| Ditto                       | kegs     | 13,099                 |                                    |                            |
| Rice                        | barrels  | 39,912                 |                                    |                            |
| Ditto                       | tierces  | 21,777                 |                                    |                            |
| Fish                        | hhds.    | 51,344                 | 449                                | 2,307                      |
| Ditto                       | barrels  | 47,686                 | 664                                | 202                        |
| Ditto                       | quintals | 21,500                 | 2,958                              | 11,764                     |
| Ditto                       | kegs     | 3,304                  | 609                                |                            |
| Beef, pork                  | barrels  | 44,782                 | 170                                | 24                         |
| Poultry                     | dozen    | 2,739                  | 10                                 |                            |
| Horses                      | No.      | 7,130                  | 28                                 |                            |
| Oxen                        | No.      | 3,647                  |                                    |                            |
| Sheep, hogs                 | No.      | 13,815                 |                                    |                            |
| Oil                         | barrels  | 3,189                  | 139                                | 118                        |
| Tar, pitch, tur-<br>pentine | ditto    | 17,024                 |                                    |                            |
| Masts                       | No.      | 157                    |                                    |                            |
| Spars                       | No.      | 3,074                  | 30                                 |                            |
| Shook casks                 | No.      | 53,857                 | 40                                 | 141                        |
| Soap, candles               | boxes    | 20,475                 |                                    |                            |
| Ox bows, yokes              | No.      | 1,540                  |                                    |                            |
| House frames                | No.      | 620                    |                                    |                            |
| Iron                        | tons     | 399                    |                                    |                            |

\* Hist. West Indies, Vol. II. p. 487.



## CHAP. 9.

The statements  
fallacious and  
sophistical.

From this table it appears that Canada and Nova Scotia, which then included New Brunswick, and the Island of St. John, furnished very little towards the supply of the British West India Settlements, "while," as Mr. Edwards said, "abundance was easily procured from the United States." From this statement the deduction which he would draw is equally sophistical and incorrect. The quantity supplied is fallaciously employed to prove the extent of the power of supply; and because the most populous and wealthy parts of America had engrossed the demand, and consequently supplied the wants of the West Indian market,\* it was, therefore, argued, that those parts of America, Canada, Nova Scotia, &c. which had been almost excluded from the market, were penurious and sterile, and utterly unable to contribute more than had been actually supplied. But can it be supposed, as Mr. Edwards would imply, that the whole of the remaining colonies in North America, with all their immensity of forests, were able to furnish in three years, only 230,040 feet of timber, and 212,350

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\* Hist. West Indies, Vol. II. p. 500.



shingles and staves, that is, less than, after such continued discouragements, might be now obtained from a single parish in New Brunswick in six months? \*—Could they afford only 24 bushels of corn in the same period?—Had they no masts, spars, cattle, or next to none?—Was it impossible to obtain from their own shores, and the banks of Newfoundland, but a few quintals of fish?—Was the harbour of St. John exhausted of its shoals of salmon and herrings?—Even if this had been the case, at the period mentioned, when the settlements of Canada, Nova Scotia, &c. were in their infancy, it would have afforded no argument to prove the future incapacity and poverty of those settlements. But the case was different. The wide extent of unmeasured forests, and the inexhaustible fertility of seas that may be almost said to live, from the swarms which they produce, are surely not to be estimated by the export of a few feet of timber, or a few barrels

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\* In the parish of St. Andrew in Charlotte county New Brunswick, where four mills had already existed, a mill has been lately erected of great power, for the purpose of cutting plank for the English market. It works fifteen saws in one frame, and is capable of cutting annually 8,000,000 feet of timber.



CHAP. 9. of fish ; and, therefore, the first question proposed in the discussion of Mr. Edwards,—  
 “ how much of the annual consumption of the West India Islands *had* Canada, &c. supplied,”—might have been artful in the design, but was most absurd in the calculations which it invited, and the inferences to which it led.

The inferences were not merely absurd.

And contradicted by fact.

They were in utter hostility to existing fact. At the very period when Canada, as was intimated, was able to supply but twenty-four bushels of corn, that is, in the years 1772, 1773, 1774,\* it was largely contributing to the food of Europe ; and it was admitted by persons little likely to exaggerate on the occasion, “ that, in consequence of the demand from the southern parts of Europe, a large exportation of corn had been made from Quebec, and, even in *one* of the years mentioned, to the amount of—not 24 bushels, but—400,000.” \*

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\* The two first of these years only are included in the preceding table.

† See “ The State of the evidence laid before the Committee of Council, on the necessity of allowing a free intercourse between the sugar colonies and the United States of America, in American bottoms.” P. 17. The “ State,” &c. was supposed to be drawn by Lord Liverpool.





Such a fact could scarcely have eluded Mr Edwards' research ; yet I observe that the same mode of argument, by which that gentleman would prove the poverty and barrenness of the British establishments in North America, has been again adopted in a subsequent page. But he is not here more fortunate in his observation. That very page, which has been adverted to, evidently proves that, in one instance, at least, the capacity of supply had been designedly or ignorantly mistated ;\* and that Newfoundland, instead of being capable of furnishing for the West Indian market but a little more than 12,000 quintals of fish, in three years, was able, as soon as it began to enjoy a direct demand from the West Indies,† to furnish, in the same number of years, 241,935 quintals !

Of the other circumstances stated by Mr. Edwards (and indeed of all the leading circumstances included in the whole question of supply) it is well known that they had

The whole question of supply examined by a Committee of the Privy Council for trade.

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\* Hist. West Indies, Vol. II. p. 500.

† When the United States, by asserting their independence, had excluded themselves from the ports of the British West Indies.



CHAP. 9. undergone a rigid but candid scrutiny, before his history was published. In the year 1783 a bill was introduced into Parliament by Mr. Pitt, by which an actual surrender would have been made to America of the leading principles of the Navigation and Colonial System of Great Britain. Discussion being thus excited, men were taught to consider the question in its true light. The bill was therefore opposed, as it deserved to be, and accordingly dropt; but, in order to afford a full opportunity for an ample and dispassionate consideration of a subject of such magnitude, the whole question of the supply of the British West India market, was referred to a Committee of the Privy Council for Trade. The most intelligent merchants, whether favourable or otherwise to the American and West Indian claims, were, consequently, examined, custom-house details were produced and investigated, comparative facts were stated and weighed, and a mass of evidence was collected, greater and more decisive, perhaps, than could have been procured on any other political and commercial subject.

Representation  
of the West  
India planters  
referring to  
the question.

A paper, in the first instance, was laid before the Committee, which was stated to be—"The representation of the West India planters and



merchants, purporting to shew the distressed state of his Majesty's sugar colonies, by the operation of his Majesty's order in council of the 2d July, 1783,\* and the necessity of allowing a free intercourse between the sugar colonies and the United States of America, in American bottoms."†

In this representation, which was sustained by all the evidence which the West India merchants and planters had to produce, and which contained four distinct allegations, it was affirmed;

1st. "That his Majesty's sugar colonies *are* in so great distress at present, for want of a free intercourse between them and the United States of America, *in American ships*, that not a moment should be lost in granting further relief."

First allegation  
of the West  
India planters.

In support of this position, evidence was produced; and it was maintained, on the authority of various documents, that, in consequence of the restrictions on the trade of the

Evidence.

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\* The Order was principally designed to confine the American intercourse with the British West Indies, to British vessels.

† May, 1784.



## CHAP. 9.

Dearness of provisions, arising from restrictive regulations, asserted.

sugar islands, the prices of provisions, *recently imported*, had risen nearly 50 per cent.;—that the provisions *then* at market would not answer the consumption of the islands for more than *two* months;—that lumber had advanced in Barbadoes from 7 to 25 per cent. and *had fallen only in consequence of an incidental supply from the French West India Islands*;—and that in Jamaica, the several articles of supply were still at a *war price*, owing to the uncertainty of procuring them.

Evidence c Contra.

In opposition to these facts and observations, there was evidence laid before the Committee to the following effect. That whatever distress *might* have ensued upon the publication of his Majesty's aforesaid order in council, was stated to have been principally owing to the planters not having expected that any restrictions, in this respect, would take place, and having omitted, therefore, to make provision of those several articles by other means.

Dearness and high prices imaginary.

That the distress which had been stated, as existing at the date of the representation, was *imaginary*, there having been entered *in the three months preceding that date*, in the port of Kingston alone, 73 British built vessels, containing 18,000 barrels of flour, which were equal



to the consumption of the island, not for *two* months, as asserted, but for *nine* months, together with 559,050 staves and heads, 796,253 feet of boards, scantling, &c. 1,450,790 shingles, and 632 packed or shaken hogsheads.

That not only had the price of provisions and lumber fallen to the *usual* rate, at which they had been sold *before* the American disturbances, but that every species of goods in Jamaica, instead of being at a *war price*, <sup>was</sup> ~~was~~ in the utmost plenty, and it was even feared there, as well at Barbadoes, that flour would become, from the quantity in hand, a *losing* article.

And that, in respect to the apprehensions of the assembly of Antigua, of the mischiefs and calamities which it had been supposed would follow from the restrictions of his Majesty's order in council, they also have been thought to be *imaginary*, for that in the space of little more than *one* month after the publication of the said order in council, 21 British built vessels had entered there, with sundry articles of American produce, containing among other things, 1,679 barrels of flour, 606 barrels and 174 kegs of biscuit, 580 bushels of corn, 256,000 feet of lumber, 34,650 staves and heading,

Great importation at the period of the complaints, and consequent plenty.



CHAP. 9. 1,928,000 shingles, and 484 cedar posts, besides other smaller articles.\*

Second allegation of West India planters, supplies to be obtained only from United States, &c.

2dly. In the second allegation of the West Indian planters and merchants, it was stated, "that the supplies which the sugar colonies receive from the dominions of the United States of America, are, in many instances, and at many seasons of the year, not to be had *from any other country*, at *any price whatever*; and that, in many other instances, such supplies are not to be had from other places, but at prices wholly ruinous."

Evidence Incapability of Canada, Nova Scotia, &c.

To maintain this allegation, very little that could be termed evidence, was advanced. The table of imports into the West Indies, on which some observations have been already made,† was produced, with much confidence, "to shew how very small a proportion of those imports had been brought from Canada, &c." and the inferences which were drawn from the whole statement, were strengthened, as far as possible, by attempts to prove the smallness and uncertainty of the harvests in Nova Scotia and Canada, the want of hands in both provinces, their

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\* It was shown also that Barbadoes and the other islands were well supplied.

† See page 145.



unimproved and unimproving state, the inferiority, in some particulars, of their timber, and, “ in short, their utter inability to furnish the island with supply *better than before the war,*” when they appeared to be scarcely able to provide for themselves.

CHAP: 9.

In consequence, however, of an accurate investigation before the Committee, these assertions were most decisively disproved, at great length of detail, and by a great variety of evidence.

E contra  
evidente.

It appeared, in the first place, to the Committee, that the province of Canada *is* able to export *great quantities of wheat and flour* for the consumption of the British West India islands; that, in the years 1771, 1772, and 1773, there had been exported from all parts of America to the British West India islands, 132,750 barrels of flour; and that during nearly the same period, that is from 1771 to 1775 inclusive, there were exported from Canada, alone, to different parts, annually, at an average, 265,000 barrels of flour.\*

Capability of  
Canada.  
Cora, &c.

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\* 132,250 barrels annually MORE than the Islands had demanded from the whole of the American continent.



## CHAP. 9.

It was, likewise, represented to the Committee, (and *all* the witnesses agreed in the fact) that the exportation of grain from Canada will, in future, increase, *especially if the West India market is secured to the province*, and that several persons of great experience were of opinion that an annual exportation of 300,000 bushels may be depended upon from that province alone.

It also appeared, that great quantities of lumber can be furnished by Canada, and the market of Quebec, *where it will be exchanged for British manufacture*; and that the Canadians had learned to cut their lumber to great advantage, by floating mills of a new construction, built at one third of the expence of ordinary mills.

Of Nova Scotia. Lumber, live stock, &c.

Of Nova Scotia it was stated, that it would be soon able to furnish large quantities of lumber, and, if duly encouraged, most of the articles which the West Indies can want from North America; that though from Cape Canso to Cape Sable, it was rocky and barren, yet the interior parts of the country, and the banks of all the rivers, have as fine a soil as any part of the world; that the climate was healthy, and the new settlers were numerous and industrious; that the province can furnish live stock in great abundance, and did actually furnish



the British army, whilst it was at Boston, with a plentiful supply of it, though it was not then peopled with half the inhabitants which it contains at present (1784); and that the shortness of the navigation from this country to the West India Islands, is a favourable circumstance with respect to this supply.

It appeared, on the same occasion, that Cape Breton, which, though very much subject to fogs on the coast, enjoyed a dry air in the interior, was capable of producing any sort of European grain; that it abounds with great quantities of lumber, pine of every dimension, oak of various kinds, white and red, and ash, elm, beech, birch, and maple, which grow to great scantlings; that these woods frequently lie contiguous to the coast, or on navigable rivers; that it is not, therefore, to be doubted that lumber of every kind may be had in sufficient quantities from Canada, Nova Scotia, and Cape Breton; and that the disadvantages to which Canada is subject in point of navigation,\* is reversed with respect to Nova Scotia and Cape Breton, the navigation from these countries to

Of Cape Breton.—Lumber and other articles.

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\* From the River St. Lawrence being so long frozen every year.



CHAP. 9. the West India Islands being performed in a less time than from the ports of the United States.

Of Great Britain, Ireland, Newfoundland, &c.  
Beef, pork, fish,

And it was, in the last place, proved to the Committee, that, besides the salted beef and pork, which may be supplied both from Canada and Nova Scotia, the West Indies can be furnished with those articles in plenty, and of a superior quality,\* from Great Britain, and particularly from Ireland; that as to the important article of dried and pickled fish, there were advanced sufficient reasons for believing that the whole supply can be furnished by one or other of the fisheries of Great Britain and Ireland, and those of Newfoundland, Canada, and Nova Scotia; that the whole quantity imported into the British West India Islands, according to the account which the Committee have received, is 159,669 quintals of dried fish annually, nine tenths of which were imported into his Majesty's Islands by ships belonging to the New England provinces; that a considerable part of this, that is 67,000 quintals, the

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\* The beef and pork of America are said to be of a loose and open texture, and more apt to spoil, in hot climates.



New Englanders annually purchased of the fishermen at Newfoundland,\* *so that of this they were merely carriers*; that this traffic assisted the traders of New England to make up their assortments for the West India merchants, and, as they purchased this fish at Newfoundland with rum of their own distilling, so they sold it in the West Indies for rum of a finer quality, and for sugar and molasses, and made thereby a profitable trade; and that it appeared from the facility and abundance of the supply to be obtained at Newfoundland, and from the favourable situation of Nova Scotia, which is so much nearer the fishing banks than the ports of New England, that great advantages will be derived from a free intercourse between Newfoundland, Nova Scotia, and the West Indies, for the exchange of their produce.

3dly. In the third allegation of the West India planters and merchants, it was affirmed,

Third allegation of West India planters, and evidence.

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\* It appeared to the Committee that Newfoundland, alone, was sufficient for the whole supply of dried and pickled cod; and yet this is the place which is described in the table laid before the Committee, and produced by Mr. Edwards, as furnishing a supply only of about 12 quintals of fish annually. When is fallacy to become prudent?



## CHAP. 9.

“ that the navigation between the North American colonies, and the sugar colonies, cannot be *effectually* carried on by British ships, on account of the heavy expense, uncertainty and delay, of such a circuitous navigation, beyond that which would attend the direct navigation in ~~British~~ <sup>American</sup> ships.

The circuitous trade between England, America, and the Islands, cannot be carried on from the great expense in British vessels.

To establish this assertion, the persons concerned urged, that, before the last war, more than three parts in four of the ships employed in carrying on the commerce between the British West India Islands and North America, were American; and they produced a paper to shew that of 561 sail, which entered at the port of Kingston in Jamaica, in the year 1774, 131 were British built, and 422 American built. They further alledged that ships, sent from England to take in lumber in America, and carry the same to the Islands, could not save themselves in point of expense; that it could *never* answer to a merchant to employ ships in such a circuitous voyage; and that, as they believed, there were *no* ships belonging to the West India Islands employed in the trade between the Islands and America.

Upon this subject the Committee examined a number of eminent merchants, trading to



to North America, and the West Indies, as well as other persons, who had been employed in his Majesty's service in America, and upon the whole of the evidence laid before the Committee, it appeared to them, that this country was never better prepared to enter into any new branch of the carrying trade; that the owners of British vessels, concerned in the West India trade, *who have long laboured under great disadvantages, from the difficulty of procuring outward freight for their vessels*, might now, by going first to America, and from thence to the West Indies, and so home, *be sure of two freights, and, perhaps, three, instead of little more than one*; and that they will not only reap this benefit, with very small additional charges in the payment of seamen's wages, and port duties, but that the vessels destined for this circuitous trade, *will go from hence even in ballast*, in case a freight outward cannot be obtained, because they will, perhaps, make by a freight from America to Jamaica, 2000*l.* or 2500*l.*; whereas, in all probability, as was the case last year, they would not make above 800*l.* or 900*l.* from London to Jamaica.\*

The circuitous voyage necessary and profitable to the English merchant.

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\* The fact continues invariable, and the following statement comes from indisputable authority. — “ A



## CHAP. 9.

The English  
ship owner  
ready to enter  
into the trade.

On this head, the Committee observed, that the number of British ships which seized the opportunity of going from North America to the West Indies with lumber and provisions, *on the first notice of the order of council*, (as already stated) is a clear proof that *this* branch of trade is profitable ; and it was shewn, by three calculations laid before the Committee, that the value of the freightage in this trade, is not less, in a commercial light, than 245,000*l.* a year.

Vessels regu-  
laly station-  
ed in the Islands.

Information was also given to the Committee, that, “ besides various ships, employed from the ports of Great Britain in the same trade, *there are twelve sail of British ships established at Jamaica*, for carrying on the trade between that island and the continent of America, besides others intended to be fitted out : to which may be added the ships of Canada and Nova

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ship of 350 tons employed in the circuitous trade, would make the freight of at least 2000*l.* from New York to Jamaica, and allowing 5 or even 800*l.* for extra charges, would leave net freight 1200*l.*; and as more than one half of the ships employed in the West India trade now go out in ballast, the American voyage to such ships would be so much clear gain.”



Scotia, which will be employed in this trade ; and if the trade to the West India Islands is confined to British shipping, it is expected that many ship carpenters will settle in Nova Scotia, where they will find timber of every sort, and where, as the tide in the bay of Fundy rises very high, the harbours are better fitted for ship building than any on the continent of America."

IV. The fourth allegation was expressed as follows—"The planters in his Majesty's sugar colonies can no *otherwise* pay for the supplies received from the United States, than *by the produce of their estates*, which produce, in many instances, does not find any *adequate* vent in Great Britain, and if not taken off by the North Americans, would remain a dead weight upon all the rest of the produce of the said sugar colonies."

Fourth allegation of West India planters and merchants.

In confirmation of this statement, the planters and merchants produced accounts to shew that, besides smaller articles, there were exported to North America

That a free intercourse with America in American bottoms is necessary to enable the planters to dispose of a valuable part of their property.

| In the years |       |     |                   |
|--------------|-------|-----|-------------------|
| 1773         | Sugar | -   | 3,776 Hhds.       |
|              | Rum   | - - | 32,265 Puncheons. |
| 1774         | Sugar | -   | 5,325 Hhds.       |
|              | Rum   | - - | 43,488 Puncheons. |



## CHAP. 9.

They alleged that *the Americans then took, from the British West India Islands, their produce in payment for nearly the amount of what they imported.* And they alleged, also, that distilleries were likely to be established in the French islands, which would evidently tend to rival or ruin those already flourishing in the British West Indies, if the former should by any means obtain possession of the American market. They added on the authority of several letters, "*that the demand and price of rum had lately declined,* and that the price in February and March last (1784) at Grenada and St. Christopher's, was so low as 3s. and 2s. 6d. per gallon.

E contra:

But it was shewn, e contra, to the Committee, that the annual consumption of rum in North America was not less than 7,000,000 of gallons; that, of this quantity, 3,050,000 gallons may fairly be said to be taken from the British West Indies;—that there was no reason for supposing that the quantity so taken would decline; that, even if the French distil their own molasses, it can make *no* difference in the aggregate quantity of rum distilled, *because* almost all the molasses of the French islands had hitherto been imported into North America, and distilled into rum in the New England

Free intercourse with America not necessary to the disposal of the surplus produce of the Islands.



provinces;\* that, by the account of prices current, of sugar, rum, and coffee, at Kingston in Jamaica, on the 18th of January last (1784) laid before the Committee, it appeared that those articles *then sold at prices at least as high as they were, on an average, between the years 1770 and 1775*; that, by accounts of a later date, 20th March, it was ascertained that the produce of that island had risen nearly ten per cent. in the course of one month, in consequence, as was supposed, of *the demand for the American market*;† that it was even doubted whether, from the extent of that demand, the orders received for rum from London, could be executed in time; and that from the *present price* of rum, and the *demand* for it, there was *no* reason to apprehend that there will be any want of a sufficient vent for this article of produce.

Sugar, rum,  
coffee.

It was, also, evident, “from accounts of exports and imports,” that there were imported into Canada, Nova Scotia, and Newfoundland,

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\* And, therefore, I add, for clearness, the same quantity at least which had been hitherto taken from the British West Indies, by America, would be still required.

† It should be recollected that the trade at this period was carried on in *English vessels*.



CHAP. 9. before the American war, 998,672 gallons of rum in a year; besides a very considerable quantity that was smuggled. It, therefore, appeared to the Committee, especially if the augmented population of those provinces were taken into consideration, if foreign vessels were allowed as little intercourse as possible with our fishermen at Newfoundland, and if the temptations to smuggling into Canada were removed, that the quantity consumed in British America, would leave *no greater quantity* to be imported into the United States, than *such as would find an easy market*.\*

Conclusion of the statement. The complaints and allegations of the planters unfounded.

Such was the issue of this most important and well conducted enquiry; and it thus decidedly appeared that the complaints on the subject of restriction were *utterly* unfounded; that Great Britain and Ireland, and the remaining colonies in North America, were *fully* adequate to the supply *in British vessels*, of all the great articles of lumber and provision necessary to the West India market; and that the ship owners of England, instead of reject-

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\* See State of the Evidence laid before the Committee of Council, &c. I have, as far as brevity allowed, adopted the very words of the Report.



ing the navigation between America and the Islands, on account of the expense of the circuitous voyage, had every inducement of profit, *if the Navigation Laws were maintained*, to enter fully and effectually into the trade.

If we now extend our views from the period when these facts were ascertained to the present time, we shall find the conclusions of the Committee perfectly established. Since that period, the British colonists in North America have been, till lately, progressive in improvement. They have evidently increased in population, produce, and stock; their soil has been better and more extensively cultivated; their fisheries and forests are inexhaustable; and it will scarcely, therefore, be necessary to add, that, if they were able in so great a degree, to supply the West India market in 1784, they should be much better able to do so in 1806.

The view continued to the present period.

One observation, indeed, appears to me to be sufficient to prove the natural capability of the remaining British colonies in North America, to supply the West Indian Islands, especially with the two great articles, lumber and fish. Canada, Nova Scotia,\* New Brunswick, and Cape Breton abound in forests, which, as they

Natural capability of the remaining colonies in North America.

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\* See Extract from a Letter, Append. No. III.



CHAP. 9. have never yet been culled, like those of the United States, are capable of supplying timber in abundance, for almost every purpose, for many years. The seas of those colonies are much more than adequate to the demand of the West Indian market. The Americans take a great proportion of the fish, which they ship to the West Indies, in the Bays of Fundy and Chaleurs, and in the gut of Canso, at a distance of more than one hundred leagues from their own coasts ; \* and it is, therefore, evident, that the people who inhabit the shores of those bays, would have it effectually in their power to supply the West India Islands with fish,

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\* The United States have endeavoured by every possible means to encourage this trade, and they have granted bounties, which have not only stimulated their own fisheries, but have enticed into their service many of the fishermen of Nova Scotia and New Brunswick. It would therefore be wise to consider, in time, whether the fisheries of the remaining colonies in North America should not be protected by the like bounties, to enable them to meet their rivals at market. The very interesting paper in the Appendix, furnished by a former French Governor of the Islands of St. Pierre and Miqueion, will show the superior management and policy of the French on this subject, and on the mode of conducting the trade from those Islands with the West Indies. See Appendix No. IV.



on more reasonable terms, if their fisheries were properly protected and encouraged,

CHAP. 9.

The colonies depressed.

It is not, however, intended here to be implied, that those colonies have advanced in prosperity, in any respect, in proportion to their capability of improvement. Though they possess abundant means of supplying, with certain articles, any, and every, market which could be opened to them, they have experinced, especially during the last ten years, in consequence of the various suspensions of the Navigation Laws of Great Britain, by licenses and otherwise, every possible discouragement and obstruction which could impede their progress. While the American merchants were favoured, in a peculiar degree, in the West Indian market, where they were regarded, for obvious reasons, as better and more extensive customers than those of the remaining colonies, these latter Provinces have suffered from an annually decreasing demand for their provisions and lumber, and have been induced to resign even the carriage of a great proportion of their surplus produce to the American traders. The consequences have been severely felt and lamented. The forests in the British American colonies have remained comparatively un-



CHAP. 9. touched; the fisheries, which had begun to flourish, have been, within a short period, almost ruined; and the general export has borne no proportion whatever to their means and to their power.

Cause of the depression.

There are now before me official accounts, which fully verify these assertions. From those accounts it appears, that the exports from the remaining British colonies in North America to the British West Indies, have, in almost every particular, greatly declined, since the practice of licenses has become so common; and that, in the exportation, especially of the great articles of timber, lumber, &c. they have been reduced to nearly one fourth.



*Account of Exports of Lumber, &c. from the remaining Colonies in North America to the British West Indies, for four years ending in 1792, before the Suspending Acts had been passed, and for the four years ending in 1801, when the Suspending Acts were in force.*

CHAP. 9.

|                                       | Lumber,<br>Oak & pine boards. | Shingles.  | Staves.   |
|---------------------------------------|-------------------------------|------------|-----------|
| Navigation Act<br>in force.<br>Years. | Feet.                         | No         | No.       |
| 1789                                  | 4,060,837                     | 2,763,000  | 1,190,548 |
| 1790                                  | 5,103,877                     | 2,918,800  | 394,357   |
| 1791                                  | 3,422,484                     | 2,819,320  | 153,589   |
| 1792                                  | 3,848,835                     | 3,217,750  | 97,300    |
| Total                                 | 16,436,033                    | 11,718,870 | 1,835,794 |
| Navigation Act<br>suspended.          |                               |            |           |
| 1798                                  | 702,144                       | 898,600    | 46,300    |
| 1799                                  | 1,419,834                     | 1,055,706  | 106,193   |
| 1800                                  | 1,136,802                     | 417,900    | 187,533   |
| 1801                                  | 1,379,533                     | 1,489,910  | 305,369   |
| Total                                 | 4,638,313                     | 3,862,116  | 645,395   |

To add to these discouragements, the Americans have found means to establish open or secret connections, not only in Canada, but also in the Bay of Fundy, at the entrance of which they still retain possession of Moose

Contraband  
trade of Ame-  
rica in the  
colonies.



CHAP. 9. Island, where they have been permitted to erect a custom-house, and to form other establishments, though the island evidently appears to belong, on every just principle of demarcation, to the British settlement. From this place they supply his Majesty's subjects in the Bay of Fundy with their own refuse commodities, such as adulterated brandies, inferior teas, East India muslins and cottons, and sundry other articles; and having received in return the fish and other commodities, they hasten to the markets of the West India Islands, where they dispose of these cargoes to great advantage.

In another island, called Campo-Bello, in the possession of British subjects, and in sight of Moose Island, where we have a custom-house, they also contrive to carry on a considerable trade. The gypsum, or plaister of Paris, landed in the island from Nova Scotia, and the western extremities of New Brunswick, which amounted in the year 1794 but to 100 tons, amounted in the year 1804 to 16,000 tons; and the fish bought there annually for sale exceeds six thousand quintals. These articles, however, instead of being carried to the proper markets in British vessels, are wholly purchased, and carried off by, the



traders of the United States, who bring in re-  
turn almost whatever commodities they please,  
from Boston, Philadelphia, and New York.

The export of the article of gypsum, it is  
proper more particularly to add, has most  
rapidly increased, and is likely every year to  
increase in the same degree. Gypsum is made  
use of for manure in the United States; and  
the annual expenditure of it in the States,  
where the farmers, from the exhausted con-  
dition of their lands, can scarcely obtain any  
crops without it, amounts already, as is de-  
clared on very respectable authority, to up-  
wards of 150,000 tons. The American States,  
therefore, must have recourse to the quarries  
of Nova Scotia and New Brunswick, where this  
article is procured; but the Americans seem  
determined, not only to procure the article,  
but to secure the carriage of it, also, to their  
own vessels. Every artifice is employed for  
this purpose. A tonnage duty is imposed on  
the gypsum imported into the States in British  
vessels; and the encouragement of American  
custom-houses is not wanting to establish, as  
far as possible, the whole importation in Ame-  
rican bottoms. The consequences have been  
decisive. The American vessels never wan

The important  
article of gyp-  
sum, carried  
principally by  
the Americans.



CHAP. 9. cargoes, for which they frequently pay in contraband commodities; and the injury resulting from this practice to British trade, has been stated in a memorial presented to Governor Carleton, in the year 1803, praying for the interference and protection of the British Parliament.

The extent of the illicit and other trade carried on by the Americans in the colonies.

In various other places in the remaining British settlements in North America, the traders of the United States carry on the same traffic, with skilful and indefatigable perseverance. The advantages and superiority which they enjoy in the West India markets, afford them peculiar facilities in the markets of Canada, Nova Scotia, New Brunswick, &c.; and they are thus enabled to procure, almost at their own prices, the produce of those provinces, which, under a better policy, would have been directly exported in ~~the same~~ <sup>Colonial</sup> vessels.

In one of the numerous documents in my possession, on this subject, (and those documents come from the most respectable authority,) the statement is yet stronger. “It is a great misfortune,” says this paper, “attendant on the late “discouragement to the West India trade, that “our fishermen, tempted by American bounties, have, for some time past, been annually



“ leaving us ; and many of them have gone  
 “ with their families to reside and to settle in  
 “ the United States. To increase this evil, the  
 “ contraband trade, carried on by America, pur-  
 “ sues us wherever we go. The permitted cargo  
 “ which is procured in the West Indies by the  
 “ American merchant, is partly paid for, on  
 “ many occasions, in articles of the manufac-  
 “ ture of the States, or of East India produce ;  
 “ and in consequence of the admission of  
 “ American vessels into our ports, we are de-  
 “ prived of two thirds of the trade of this pro-  
 “ vince (Nova Scotia) in East India goods, and  
 “ many West India articles, and our markets  
 “ are clandestinely and most mischievously  
 “ supplied with commodities of the growth,  
 “ distillation, or manufacture, of the United  
 “ States.”

In consequence of these practices, the North  
 American colonies have suffered in almost  
 every particular which could affect their poli-  
 tical or commercial welfare. In Nova Scotia  
 and New Brunswick especially, the decline of  
 this trade has necessarily been followed by a  
 loss of revenue, which has added to their other  
 misfortunes, the want of the means of recalling  
 that trade so speedily as the exigency requires.

Consequent  
 state of Nova  
 Scotia, New  
 Brunswick,  
 &c.



CHAP. 9. Scarcely any circulating specie has been left in either province. The whole of the silver which has gone out, particularly to New Brunswick, for the subsistence of the troops, has been so completely carried off by the Americans in payment for their contraband goods, that individuals are obliged, on the most common occasions of trade, to have recourse to notes of their own issuing. The emigrations have also become considerable and alarming; not only a number of fishermen, tempted, as already observed, by American bounties, but many of the lower classes of mechanics and tradesmen, have gone for employment to the States of America; and several respectable merchants and traders, disheartened and discouraged by the circumstances which have been stated—the decline of all regular trade, from the want of due encouragement and protection, the illicit trade and encroachments of America, and the perpetual relaxation by West Indian licenses of the Navigation and Colonial Laws—have been lately induced, likewise, to settle in different parts of the United States.

Representations to the British Government,

These grievances have been very fully represented to the English Government by our colonists and others, and some orders were





consequently sent out to the governors in the West Indies, on the subject of the American intercourse. Those orders, however, which, in some instances were issued, have been recalled, and they have therefore produced no effect. But, notwithstanding all the discouragements by which they have been much impoverished, the North American colonies had made a great exertion and some progress: and by what they *have* done, have proved in a great measure what they *could* accomplish, if fostered by a more genial and considerate policy. Wheat, flour, barley, lumber, fish, and other articles, have been largely carried from thence. Saw mills have every where increased. Ship building, especially in the harbour of St. John in New Brunswick, and in Canada, has been carried to some extent: and the soil began to be much better and more extensively cultivated.

Two of these provinces, however, New Brunswick and Nova Scotia, have been condemned by West Indian memorialists to “perpetual sterility.”\* But nature has not been so unkind.

General view  
of the remain-  
ing colonies in  
North America  
New  
Brunswick.

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\* Memorial presented by a Committee of the House of Assembly of Jamaica to Lieut. General Nugent, on the 20th April, 1805.




CHAP. 9. The first of them, under the fostering care of the British Government, which has not, hitherto, appeared to be sufficiently acquainted with its value, would speedily become of great importance. It is not liable to those fogs which so often hang over the banks of Newfoundland, and is never subject to the yellow fever, intermittents, and other maladies, which occasionally prevail in some of the United States. It contains districts which, in many places, are fit for corn, but it is in general so favourable to pasture that it might be almost termed the "American Ireland." The rivers by which it is intersected are numerous, and full of fish of the best kinds. Many millions of acres, frequently stretching down to the water's edge, and, therefore, affording peculiar facility to transport, are covered with forests from whence the best masts, of the second size, and lumber in any quantity, might be obtained; and it abounds, not only in coal and lime, but in inexhaustible mountains of gypsum or plaister of Paris, an article, as already stated, which is most necessary to the agriculture of several of the United States, and which already begins to be exported in immense quantities.



Even in this latter respect it would prove, in a short time, invaluable to Great Britain, because it would afford employment to a multitude of seamen, and a great number of vessels. But it is to be considered, also, as an avenue to Canada. The river St. John, by which it is intersected from north-west to south, is never frozen, and an army might be marched from its banks to the river St. Laurence, <sup>opposite to</sup> ~~the~~ Quebec, in less than three weeks. The settlement, therefore, is doubly valuable, first as capable of producing, or already productive of, so many articles of prime necessity; and secondly as a kind of out-post to Canada, by which the enemy, if it were neglected by the British Government, might easily find a passage almost to the very walls of Quebec.

In the harbour of St. John already mentioned, the annual fishery, though so much discouraged by the causes that have been assigned, produces 25,000 barrels of herrings, 6000 ditto of salmon, 3000 ditto of shad, together with great quantities of other fish; and the number of vessels registered in the port of St. John, for the



CHAP. 9.  three years ending December 1802, amounted to 14,344 tons.

From the harbour of St. Andrew, in the same province, a harbour of which, hitherto, we have scarcely heard, the exports are very considerable. Even in the course of one year they amounted to 7,700,000 feet of boards, 16,200 tons of gypsum, 9000 quintals of dried fish, 12 cargoes of masts 700 hhds. of lime, &c. and this quantity, there is reason to conclude, would have been abundantly increased, if the demand had borne any proportion to the means of supply.\*

Nova Scotia. Nova Scotia is also fully adequate to furnish her quota of supply. The fisheries of that province, notwithstanding the discouragements which they, likewise, have experienced, from the occupation of the West Indian market by America, continue to afford great quantities of fish; and, from one port alone of the Province, 107 vessels, containing 9,903 tons, cleared out,

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\* This account of the capability of New Brunswick is confirmed by an interesting memorial from the merchants and inhabitants of New Brunswick, not long since laid before the British Government. See No. V. Appendix.







## CHAP. 9.

Exports of  
North American colonies to  
the West  
Indies.

The colonies which, amid so many discouragements, have made these exertions, and carried on this commerce, have been accused by the West Indian planters of “a blind and indecent avarice,” because they have solicited the protection of the Navigation Laws which they had a right to claim. But the aid which the West India market has often derived from them does not authorise the accusation. To that market their exports have, indeed, increased or diminished in exact proportion to the privileges conferred by the licenses of West India governors. But even at the period when such licenses were most freely granted, that is, in the four years ending in 1801, they exported to the British West Indies, together with other articles to a considerable amount, 586,316 quintals of dry fish and 72,696 of wet fish; and in the four years ending in 1792, during which the vessels of the United States were excluded from those colonies, they furnished, together with Newfoundland and Ireland, the

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inserted in the Appendix, together with their answer to some remarks by Mr. Jordan, Colonial Agent for Barbadoes. It is not necessary to subjoin Mr. Jordan's remarks, because they are sufficiently referred to in the answer. See Appendix, No. VI.




whole of the fish required for the West India supply. CHAP. 9.

From this brief detail, then, it appears that nothing is wanting, to render the British colonies in North America fully competent to the supply of the West India market, in all the leading articles of demand, but a firm and decisive maintenance of a system which would afford security and regularity to their intercourse with the West Indies. A light, wavering, and capricious policy, which is one day to enforce the Navigation Laws, and another day to suspend them, can have no effect but to render the trade uncertain and unsteady, and to oblige our colonists to retire from markets, which it is so much their interest, and in their power, to supply. To destroy the regularity of demand, by feeble and fickle measures, is to embarrass the views, and to contract the operation of commerce; and what commercial speculator can venture to accumulate supplies for distant markets, if those markets are to be liable, every hour, to fluctuation, as ministers or governors, or, perhaps, sometimes, as the agents of either may be inclined, to extend them to American interference?

The effect of a decisive maintenance of the The colonies, under a proper system, adequate to the West Indian supply.

The effect of a decisive system.



CHAP. 9. Navigation Laws of England has been tried ;  
 and, as long as the exclusive market of the West India islands was enjoyed by Great Britain and her dependencies, an adequate number of regular vessels was constantly maintained on the West India station, and supplies were furnished, with all the periodical regularity which the market required, and, on an average, upon cheaper terms than were experienced when the market was opened to the precarious intercourse of American adventurers. There was neither a glutted market, nor dearth, and, as the prices were steady, the articles demanded were in abundance.\* Whereas, during the period when the Americans had full admission to the West Indian ports, the

The effect of a  
 wavering and  
 relaxed system.

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\* From the year 1782 to the year 1792 inclusive, the price of dry cod fish from Nova Scotia was so low as never to exceed five dollars per quintal, and it sometimes fell short of half that sum. In the year 1793 there was one instance of fish selling for six dollars per quintal, but the common price, even in that first year of the war, was not more than three and an half dollars per quintal. The cheapness of the commodities proved the abundance, and there could have been no necessity whatever for allowing the colonists of the West India islands to import fish in American vessels.



vessels of America were neither regularly stationed, nor regular in their supply. The momentary demands, or the momentary interests and convenience of the American merchant, occupied in the trade, were alone considered. Hence, there was no certainty in the connection. The market, at one period, was injuriously redundant; at another, stinted and starved; and the prices, therefore, at some seasons, rapidly varied from the ruinous cheapness attendant on superfluity, to the still more ruinous dearness which is produced by the scantiness of the supply, the natural result of glutted markets. These circumstances, however, instead of operating unfavourably to the American trader, became useful and profitable. The English merchant was, in a considerable degree, repelled from a trade which had been rendered so precarious in demand, and so fluctuating in price, and the consequent decline in British tonnage, employed in the West Indies, as has been already stated, was so sudden and enormous, as to alarm every man who wished well to the prosperity of his country:

It has been asserted in some recent memoirs from Jamaica, and in other papers, that it was "impracticable for England, at least

Great Britain  
at all times  
competent to  
the carriage of  
the West India  
supply.



CHAP. 9. during war,"\* to carry the supplies to the West India market. But the reason has not been assigned. That in the period of peace she possesses seamen and vessels enough for all the purposes of her commerce, will scarcely be denied; or if she did not, the very demand which the supply trade would produce, would speedily increase the number of both. Nor are we authorized to suppose that, even in the interval of war, she would be less competent to supply, in her own vessels, the West Indian markets. From the year 1795, and, especially in the years 1799, 1800, 1801, 1802, a considerable portion of her mercantile shipping was actually unemployed; and, if, during a war of such extent and difficulty as the last, her vessels were thus numerous, on what grounds are we to admit that they will be less adequate on future occasions? Convoy, we are informed, will be required. But so will it be

The necessity  
of convoys no  
objection.

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\* It is, therefore, admitted that the carriage in English vessels is practicable during peace; but it should be recollected that the American and West India claimants have laboured with as much zeal to acquire the monopoly of the supply trade during peace as during war.



required for every other branch of British trade; CHAP. 9.  
 and, if we protect the fleets of the Baltic and  
 of the East Indies, there can be no reason as-  
 signed why we should not protect those also,  
 to the British West Indies. The convoy in  
 protecting the trade to the West Indies, would  
 protect the best nursery for the navy; and the  
 navy, therefore, in furnishing the convoy,  
 would but make seasonable provision for its  
 own maintenance and superiority.

The proper times for these fleets to go out  
 with convoy, would be August and February,  
 the first fleet to take out supplies for the crops,  
 and return loaded with the first convoy home,  
 and the second to take out the spring supplies  
 and return with convoy in July.\* The insu-

Regulation of  
 convoys and  
 expenses of  
 insurance.

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\* It is recommended on the authority of men the  
 most disinterested and the best informed respecting the  
 trade of the West Indies, as well as of North America,  
 that notice should be given in the most solemn and pub-  
 lic manner possible, by the government of this country,  
 that on the 31st of December next (which is allowing  
 time for all parties to prepare for the change) the pro-  
 hibitory act would be strictly put in force, and that no  
 neutral ship whatever would be allowed to enter into  
 any port of the British West Indies with cargoes of  
 American produce, &c. That two regular convoys  
 should be appointed at Portsmouth for the trade to



CHAP. 9. rance is seven guineas per cent., warranted with convoy; so that, in fact, the insurance on goods from New York to Jamaica, with convoy, would not exceed three and a half, or, at most, four per cent.; and, as insurance on American vessels, on the same voyage, would be one and a half, or two per cent. the real extra insurance between British ships with convoy, and American ships, would not exceed two per cent. a planter, therefore, may, if he pleases, have his American supplies in British vessels, delivered to him at his own door, at prime cost, adding only the current freight, and two per cent extra insurance.

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North America, and thence to the West Indies. That in addition to the above, convoys should be appointed at proper times, to convoy the vessels belonging to the Islands, or British Colonies, that would be established in the trade to run constantly between the continent and the islands, each of them making at least three or four voyages in the year, which would keep the markets at all times regularly and plentifully supplied with all sorts of provisions and other articles of American produce: Two sloops of war, or even cutters, on the Jamaica station, would be sufficient for the protection of that part of the trade, and, perhaps, two more for the Leeward islands, and that trifling force certainly could not be better employed.



It may be thought, possibly, that the price of provisions will be enhanced by the expense of insurance. But the provision itself would be regularly supplied ; and, after all, if plenty be afforded, it is enough ; cheapness or dearness are secondary considerations, because the loss and the gain would speedily find their level on both sides, since the colonist who purchased at a high rate of the British merchant, would levy on the British consumer ample compensation for this advance of price ; and, whether this reasoning be conclusive, or otherwise, it cannot with any justice be inferred, that an intercourse, of moment to the whole empire, should be renounced, because it may occasionally diminish a little the temporary profits of a few individuals.


CHAP. 9.

Convoys no material enhancement of the prices of supply.

The planters themselves are very apt to adopt this mode of argument, when they speak of the prices of the commodities of their islands, to be paid by the British consumer." " If," says Mr. Edwards, " our sugars cost the people of England more, (than they would be charged for the sugars of the foreign islands,) it might seem sufficient to oppose to the objection the national benefit arising from the whole system." When they object, therefore,

Mr. Edwards's opinion.



CHAP. 9.  to any occasional rise in the price of the supplies, carried in British vessels, shall we not also be permitted “to oppose to the objection, the national benefit resulting from the whole system.”

Offer of the  
British ship  
owners.

But, let me add, the competency of England to provide for the carriage of all the articles of West Indian demand, is no longer a question, but a fact. In consequence of the unqualified statements, on this subject, reiterated in various petitions from the islands, and their agents, an inquiry has been instituted by the merchants and shipowners of Britain, who are most concerned in the trade, and they have not only found that England was perfectly competent to supply the British West India islands, in her own vessels, but they have actually proposed to undertake the carriage of the supply, at the same rate required by America, with the addition only of two and a half per cent. extra insurance in time of war.

The employ-  
ment of British  
vessels not in-  
jurious to West  
Indian export  
or supply.

It has been asserted that the employment of British vessels in this trade would endanger the American market for rum, and the West India market for lumber. But the suggestion is ill founded. The American merchants cannot afford to shut up the produce of their country,



in their warehouses, one unnecessary moment; and, as they almost entirely depend on the British West Indies, for the disposal of their lumber, and provisions, and, as those articles are of a perishable nature, they must make their shipments of both within a reasonable time, or submit to an inevitable and ruinous loss. Nor will the sale of the rum be diminished. The people of the United States, cannot do without that article, and cannot any where obtain it, either in sufficient quantity, or so cheap and good, as from the British West Indies. The quantity which they distil at home, it has been seen, is in no respect, adequate to the demand; and, as it is of a bad quality, it is principally exported to Newfoundland, Nova Scotia, New Brunswick, and the coast of Africa. They must, therefore, receive rum, as heretofore, from our West India colonies; and we know from experience, not only that, the Jamaica market was never, before or since, more regularly, cheaply, and effectually supplied with American produce of every kind, but that, the export of rum to America was never greater, than when the intercourse was maintained by British traders between America and the West Indies, that is,



CHAP. 9. from the period of American independance, to the breaking out of the war in 1793.

American produce will not be refused to British carriers.

I have said that the prudence and common sense of the people of America will not permit them to refuse their lumber and provisions to the owners of British vessels; and I have an evidence of that prudence before me. As soon as it was known (late in the year 1804) that the Navigation Laws of England were likely once more to be enforced in the West Indies, various applications and offers were made by the merchants of New York, Philadelphia, &c. to those of Great Britain; and I refer, for decisive information on the subject, to the following extracts from two letters from the most respectable houses, the one in New York and the other in London.

“ New York, 2d Jan. 1805.

“ Gentlemen,

Letters from New York and London.

“ Arrangements, which appear to be making by your government in relation to the West India trade, induce us to believe that, our advices may be again acceptable and serviceable. By late information from the West Indies we observe that, their ports are about to be shut against our vessels, (excepting under particular



restrictions, as to the cargo) which will effectually discourage our mercantile speculations in that trade, and, as is designed, transfer the carrying trade to your own ships. The supply, however, must come from the same sources, but through a different channel. Instead of furnishing the demands on our own account and risk, we shall more generally purchase and ship on commission for English merchants, and always find employ for English vessels. Should your interest be concerned in this trade, we shall be happy to exert ourselves in the execution of any order we may receive from you.

“We are respectfully,

“Your humble servants.”

“London, Feb. 15, 1805.

“Gentlemen

We observe with peculiar satisfaction that the regulations of our government, respecting the intercourse hereafter to be carried on between your States and our West India colonies, are of that nature to restore to British shipping the carrying trade of that commerce, which, we trust, will never again be interrupted; and



CHAP. 9. in that case, the trade may be established and conducted on proper mercantile principles, and to the mutual interest of both countries, each availing themselves of all their local and national advantages.

“ By the next Jamaica packet we will authorize our friends there to apply to your house direct, for the supplies of lumber and provisions, that may be wanted for present use ; and if we find that our government is firm and determined to persevere in the total exclusion of American ships, we shall so regulate our own shipping concerns, for the ensuing season, as to send at least two of them out, *via* New York, for the purpose of loading with lumber, &c. agreeably to the orders we may receive from our friends, for the use of the plantations for next crop : and we shall also put a small coppered ship of about 200 tons (formerly built on purpose) into the regular trade, to run constantly between New York and Jamaica, so as to make at least four voyages in the year, and at the same rate of freight now paid to Americans.

“ We freely communicate our present intentions to you, but their execution must depend on our conviction of the permanency of the



system to be finally adopted by this Government, and also on the establishment of regular convoys for the protection of that trade, without which the supplies would not only be distressingly precarious, but intolerably expensive.

“ We request to be favoured with your sentiments on the foregoing subject, and remain,

“ Gentlemen,

“ Your obedient humble Servants.”

Notwithstanding this rational disposition, however, evinced on the part of the American merchants, I know it is alledged that America will endeavour to counteract the laws and regulations adopted by Great Britain, for the maintenance of her carrying trade ; and we are urged to renounce the advantages of our established systems by loud and ludicrous menaces of American indignation, and by a fanciful enumeration of the mischiefs which would arise to British trade—as if the trade of America would not suffer incomparably more in consequence of any dissension with this country. The reports of Mr. Jefferson to Congress have been, on this occasion, ransacked for arguments

Menaces of  
American  
agents, &c.



CHAP. 9. and details, and it has been, consequently, stated that the American states, possessed, not only the inclination, but the power, to counteract all our regulations, by measures very seldom resorted to by regular governments, but, as it is pretended, of great efficacy and force ; that is, by non-importation resolutions, by certain discriminating duties, and by confining the carriage of its own productions to its own vessels.\*

Consequences  
to England of  
commercial  
restrictions  
threatened by  
America.

Amid these expressions of an hostile disposition, we recollect that, whatever may be the commercial restrictions of America, England

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\* These opinions are founded on the following passages in the reports above alluded to : “ When a nation refuses to our vessels the carriage of any of our productions to certain countries under their domination,” meaning colonies, — “ *we might refuse to theirs of every description the carriage of the same produce to the same countries.*” Or “ we might continue to admit the vessels marked for future exclusion on an advanced tonnage and for a certain length of time only. It is true we must experience some inconvenience in practice from the establishment of *discriminating* duties ; but these inconveniences are nothing when weighed against the loss of wealth and of force which will follow our perseverance in the plan of indiscrimination.”—Vide Reports to Congress, 1793.—These extracts afford an admirable specimen of the care of America to maintain a carrying trade, of which she is so anxious to deprive this country.



can, at all times, counteract them with decisive effect. The embargoes and non-importation agreements of that country would not long injure us, for they could not be long maintained; and, while they lasted, they would confine the whole trade of West Indian supply <sup>to</sup> British channels, and give new vigour to various dependencies of the British empire. In the mean time, the merchants of America would, in a great degree, be deprived of their most valuable trade, and the government itself would be involved in difficulty and distress, by the consequent and destructive diminution of the revenue on which it depends.

But the great speculation of America is for money and trade, and she will not readily hazard, by any angry experiments, either the one or the other. Before she idly attempts to force Great Britain to accede to her views, by violent and threatening resolutions, she will recollect that her warehouses are always full of goods destined principally for the British West Indies; that her lumber and provision can nowhere find an adequate market but in those islands; that the consequence of retaining those goods on hand must be extensive and mischievous; that the merchant who has

Danger to  
America her-  
self of such  
restrictions.



CHAP. 9. bought the corn, meal, other provisions, and the lumber, for the West India markets, may be ruined by prohibitions which shall prevent him from shipping them; that the flour mills, saw mills, and fisheries, as they refer to the supply of the British West Indies, cannot be suspended without the most ruinous effects on their agriculture and commerce; that the loss, or increase in the price, of articles of such general consumption as rum, coffee, molasses and sugar, which would instantly result from restrictions by which Great Britain should be excluded from the American ports, would be deeply and generally felt; and that, in a word, the woollens, linen, hardware, and all the other manufactures of Great Britain could not be dispensed with but at the expence of sacrifices and derangements to which the mass of the people would not submit, to indulge the vain and encroaching ambition of those statesmen or politicians who would exercise an enmity and malignity to this country, that must ultimately terminate in the ruin of the credit and commerce of America. She will recollect all this, and she will see, that England is not to be intimidated or circumscribed by her practices or power, and that the amity of England



is not to be renounced without heaping on herself the most serious calamities. CHAP. 9.

It appears, however, from various publications in America, of a recent date, and, particularly, from the paragraphs and essays of daily papers, which are supposed to be in the confidence of the American administration, that these topics have excited much consideration in that country. But the question is agitated with little wisdom or decency of language, and French attachments appear to have infused much bitterness into American politics. While the reiterated aggressions of France and Spain seem to be palliated or forgotten, the whole indignation of the country is endeavoured to be collected and turned against Great Britain; and, according to the *vigorous* politicians who thus act and think, England is to be immediately, both commercially and politically, humiliated, by restrictions, embargoes and *sequestrations*, to be decreed by the American States.\*

Measures reported to be in agitation in America.

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\* Many of the writings and menaces here alluded to, are violent and hostile; but, it is reasonable to suppose they are often the work of French emissaries. The agents of France multiplied every where, are active, by all possible misrepresentations, to alienate the people of America from this country. Hence, on every occasion



## CHAP. 9.

The result of  
former Ame-  
rican manage-  
ment.

Some of the measures, here adverted to, were attempted by the imposition of those discriminating duties which were necessarily followed, as has been remarked, by the countervailing duties of England. The effect is known. The aggressors themselves principally suffered; and if we consult the journals of Congress, we shall find that the men, who, from an animosity to England, were most violent in recommending and supporting those measures, were the first to suffer from their operation, and the first to deprecate their continuance.

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which furnishes the slightest pretence for asperity of animadversion, the name and character of England are decried and defamed in American publications; and the public papers are sometimes crowded with details of supposed injuries inflicted on other nations by the domineering spirit, as it is called, of English commerce. The simple and uninformed reader takes up the question as it is stated; every paragraph finds some credulity to work upon, and the seeds of national enmity are thus gradually sown.

It is scarcely possible to suppose that, any men called to the government of a country, could entertain these silly yet designing views, or adopt the vain, inconsiderate and childish menaces which have been thus detailed. But it will be asked, why does not the Government of America discourage these practices; or why does the Government itself occasionally throw out imputations which are calculated to promote them?



An act of sequestration would be a measure far more hazardous and injurious to America. There may be some, indeed, weak and wicked enough to think it might be wise and profitable to liquidate at once all the demands of British subjects. But, without adverting to the honesty and the morality of the question, it might be asked by what means, after such an act, would America ever be able to restore her credit with England, on which she so essentially depends; such a proceeding, it is certain, would speedily be followed in America by national disgrace, public and individual calamity, and ultimately, by general indignation against the abettors of the measure. It can hardly be supposed that Great Britain, if so compelled, would not employ her whole power of reaction and retaliation. In such a case, what would become of the American vessels in the English ports, of which there must be at all times a considerable number? What would become of those commercial facilities and profits, derived from British capital, credit, and demand? What would become of all those commodities which derive their value principally from the intercourse of America with England, or English colonies? And what would become

CHAP. 9.


 Sequestrations  
by America,  
and effects.



CHAP. 9. of that essential part of her property which  
 America has always afloat, and utterly unprotected, in the East and West Indies, or on the Ocean?

American  
 hostility  
 imaginary.

But there is a great difference between hostile language and hostile measures; and it will be recollected that, if any war would be injurious to America, a war with England would be peculiarly disastrous. The maritime power of that country would not be of much avail in such a contest. I should imagine, however, save only as nations, as well as individuals, are subject to fits of wrongheadedness, which is, sometimes, termed enthusiasm, and relative to which there can be no calculation, that America will scarcely deem it expedient to commence such a war, merely because England thinks it proper to maintain her best and most necessary institutions and laws. The Americans are a sensible people, not easy to be diverted from considerations of their own interests. And it will be seen that the interior of their country not only cannot be benefited, but must suffer by hostility with England; and that the mischief which they could do to our commerce, by privateers manned by renegadoes from this country, would afford no compensation for the risk of



every vessel that went to sea, for the utter derangement of their trade, and for the consequent embarrassment and distress of their maritime towns, in which is centred the greater part of their population, power and wealth.—Great Britain, then, will not apprehend those embargoes and sequestrations with which she has been menaced.

CHAP. 9.



It is with extreme regret, we observe that, representations, the delusive inaccuracy of which can be easily proved, are abetted and repeated by a representative assembly, that ought to have been best informed, and most careful in its enquiries. In a late Memorial of the Assembly of Jamaica to the Governor, it is asserted, in the most unqualified manner, that the West India Islands must be perpetually in danger of famine, unless a direct intercourse with the American States shall be at all times permitted; that not only the remaining British colonies in North America, but the whole British empire, are unable, either with respect to the quantity or the regularity of the supply, to furnish the articles required by the West India market; that the articles which are furnished from those colonies, or from the

Jamaica  
memorials.



CHAP. 9. united kingdom of Great Britain and Ireland, are scanty, uncertain, and of an exorbitant price ; that the late prohibition by the Governor of a supply of salted provisions from the United States of America, “ had contributed extremely to the distress of Jamaica, and might have been a more powerful aid to the enemy than additional armies and squadrons ; and that the wants and deprivations which have taken place in consequence of such interdiction, have rudely torn asunder those habits of respect and affection, of so much importance in the government of the slave, and to the happiness of the master.”

The complaints of the memorialists unfounded.

This representation, if it were in any degree accurate, might, indeed, reflect disgrace “ on the measures pursued by his Majesty’s ministers.” But, this is so far from being the fact, that the prohibition which is described as having endangered the political existence of that island, had no existence but in name. It was *immediately* succeeded, from an apprehension of the arrival of the French fleet in the West Indies, by a proclamation of martial law ; and as orders were issued, at the same time, by the Governor, to admit all neutrals with salted



provisions, &c. into the ports of Jamaica, it CHAP. 9.  
cannot be said to have deprived that island of  
a single cargo of necessary supply.

Nor was there any reason to complain of the scarcity and dearness of provisions and lumber, of which such an exaggerated report had been made, in the Memorial of the Assembly; for it appears, by an account of sales in Jamaica, stated on oath, and by another authentic account of sales in Barbadoes, that the price of fish and other articles had not advanced, and, consequently, that the market had not been ill supplied.

And it further appears that, the representation of the Assembly <sup>was</sup> ~~not~~, in the opinion of many of the leading merchants of Jamaica, concerned in the question, wholly unfounded, and of a most injurious tendency; for it has been directly asserted, in a memorial presented to the Governor, and signed by fifty opulent and respectable houses in Kingston,—“ that there was no necessity whatever for laying the ports again open to the free importation from the United States in their own bottoms; that such a measure would prove extremely prejudicial to the British American interests, and to the Irish provision merchants and graziers, in general,

Provisions not  
dear at the  
period of com-  
plaints.

Complaints  
contradicted  
by the declara-  
tions of fifty  
respectable  
houses.



CHAP. 9. who have it in their power to furnish all the British dependencies in the West Indies, with the most abundant supplies of the necessary articles of life, and at moderate prices ; that *the market was already so overstocked with all sorts of provision* that sales cannot be effected on them at cost and charges ; and that many Irish houses have recently become bankrupts, in consequence of the losses sustained by them in their shipments, of those articles to the West Indies.’’\*

And finally it appears, with yet stronger evidence, by another memorial, also signed by fifty respectable houses at Kingston, and presented to the Governor *immediately after the date of the Representation of the Legislative Assembly*, that the representation was unfounded in its facts and inferences, and that, at the very period at which it was drawn up, the market of Jamaica was moderate in price, and well supplied. — By this memorial, the leading principle advanced in the first, “ that the mother country and her dependencies in America were amply competent to furnish the British West Indies at moderate prices,

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\* See Appendix No. VII.



with adequate supplies of all articles, especially, of salted provisions, and dry and pickled fish, if proper assurances were held out to them that they should have no neutral vessels to contend with," is confirmed. It is further, and confidently, stated, "that our colonists" (in North America,) "want only an equitable trial to be extended to them, for a reasonable given time, to prove their capability of performing what is asserted in their behalf," and the memorialists directly add, "that we will no longer advocate the cause" (of the said colonists) "if, such an equitable trial having been given, they prove inadequate to the supply of the articles required." That this experiment should be made, from the justice due to the North American colonists, from a regard to the general interests of the empire, and from the injurious consequences, to the Islands, of the trade with the United States of America carried on in American vessels, "for whose cargoes *the greater portion of their proceeds is carried away in specie,*" is, also, maintained in the memorial with a plainness and force, that imply no fear of refutation. And the memorialists finally proceed, in a strain of interrogatory and reply, which forbids evasion, and artifice:—"Have the fisheries on the shores



CHAP. 9. of British America failed? We answer, No.  
 —Have those who have been disappointed in their supplies from the mother country, sent any orders to Nova Scotia, &c. where they *could* and *would* have been supplied, with avidity, at a reasonable price? To this, also, we may presume to answer in the negative.—*Has any real scarcity existed?* So far, on the contrary, as relates to salted provisions, at the time the representations of the Legislative Assembly were made, long prior thereto, and up to the present day, the Kingston market was seldom, or perhaps, never, so plentifully supplied, and the prices have been so extremely low, and the sales so unusually dull, that the holders and shippers have suffered, in consequence, very considerable loss.”\*

American  
intercourse in  
American ves-  
sels injurious  
to the British  
West Indies.

From these considerations it will be evident that, the Governors of our islands should listen with great caution to requisitions and memorials, which demand the violation of established and necessary laws. But, it should be further observed that, such requisitions are inconsistent with the real and permanent welfare of the West India Islands themselves. It would be

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\* See Appendix No. VIII. and IX.



easy to prove that the unlimited intercourse with America which is required, would even *diminish* the export of the produce of the islands. When such an intercourse *was* most amply enjoyed, that is, before American independence, the British West India planters persuaded themselves, or affected to be persuaded, that the produce of the islands was taken in payment for almost the whole of the lumber and other articles imported from North America. The public account of exports and imports, however, might have informed them better. For, according to those accounts, the produce of the continent of North America, imported into the islands, amounted as valued at the port of importation to £720,000 annually, including freight; and the produce of the islands imported into North America valued also at the port of importation amounted to £420,000 annually, including freight, making a yearly balance in actual specie or sterling bills of exchange, in favour of America, of £300,000.

Balance in  
favour of Ame-  
rica in the  
West India  
intercourse.

This trade certainly was not beneficial to the West India colonies, but was perfectly obvious in its cause. The prices of the produce

Drain of specie  
from the West  
India colonies.



CHAP. 9. of the British Islands were high.\* Hence the American merchant naturally preferred payment in specie; and it has been stated and proved that the traders to Jamaica, from the different provinces of America, were paid for their lumber and provisions in the following proportions:—

Mode of payment by the West Indies, for provision and lumber to America.

Of the southern provinces about one half or rather more, in produce—the balance in dollars.

Of the middle provinces, about one fourth,—balance dollars and sterling bills of exchange.

Of the northern or New England provinces, not above one tenth,—balance in dollars.†

This was the general system; and so gainful was it to the Americans, that they endeavoured to establish it as far as possible, in the islands, by diminishing or advancing the prices

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\* I have already observed on the superior fertility and the lower prices of the foreign islands. Mr. Edwards denies the fact as to the price. But it has been fully admitted by almost every other writer on this subject. See Brougham's Colonial Policy of European Powers, Vol. I. p. 521; and it was so notorious that it became an object of particular inquiry with the Committee of 1789 to ascertain the cause.

† See Report of the Committee of Council already referred to.



of their lumber, &c. in proportion as the payment was to be made in produce or cash.

With the specie thus acquired, they hastened to the foreign markets, and there purchased sugar, molasses, and coffee, upon much cheaper

Double loss of the colonies in their intercourse with America.

terms, than those on which they could be obtained in the British islands. Meantime, the British islands experienced a double loss. Their exchange of produce for produce was less, than if the trade had been confined to British vessels; and, in the original phraseology of one of my answerers, "American vessels drew out from amidst the population of the country"—the West India islands—"those last portions of gold and silver money which are only, in the *extremest case*, separated and carried off."\*

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\* The whole of the passage will, perhaps, amuse some readers.

"American vessels drew out from amidst the population of the country, those last portions of gold and silver money, which retained amidst the ranks of society by all the principles and energies of political existence and combination, yield only to the most powerful actions, and like the last portions of moisture which give form and solidity to natural bodies, are only in the *extremest case* separated and carried off." Claims of the British West Indies, by Mr. Jordan, p. 74, 75. The author of this curious passage adverts to a later period, but the argument is the same.



## CHAP. 9.

Review of the  
argument on  
the subject of  
supply.

Upon the whole, then, with so many countries to yield all the articles of necessity and convenience; with Britain, superior in manufactures and marine; with Ireland rich in the various produce of her soil; with North American colonies so excellent in situation; and, if not unjustly and unwisely checked, so overflowing or likely to overflow in means; I see no reason why the trade of the British West Indies should be in any respect sacrificed to American adventure; and no argument can exist to justify the demands and complaints, on the subject of supply, which have been so often and so loudly reiterated by some of the West India colonists. I see, on the contrary, the strongest reasons for a very different policy.\* Expediency, necessity, and

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\* A singular negotiation between the French and the Americans, well worthy the attention of his Majesty's ministers, is said to have taken place, viz. the Americans, anticipating the restoration of the islands of St. Pierre and Miquelon at the conclusion of the war, have actually commenced a treaty for a purchase of them. In a treaty which took place a few years ago between the French and the Americans, there is an article wherein they mutually guarantee any future possessions they may acquire in the gulf of St. Lawrence, and this was done at a moment when neither party possessed an inch of land on those shores!



justice, as the terms have been wildly and presumptuously used, by the American opponents of our Navigation Laws; must no longer be allowed to darken and embarrass the question. Without adverting to England, or Ireland, every just and reasonable man will admit that our remaining colonists in North America—those colonists whose persevering firmness sustained the trials of public convulsion; whose distinguished loyalty, amid the various temptations of pride or gain which influenced so large a proportion of their countrymen, continued faithful to the British empire to the last; and who preferred, to a renunciation of principle, exile to regions which, though then little better than dreary and uncultivated wastes,\* were given to them as compensation, but which will be rather a curse, if the rights and advantages of British colonies be not maintained;—it will be admitted, I say, that colonists established under our own protection, abiding by our own laws, and demanding encouragement in perfect consistency with our own interests, should not be deprived, in favour of a foreign nation, of a market to which, as parts of the

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\* Nova Scotia, New Brunswick, &c.



## CHAP. 9.

empire, they have an indisputable claim. They demand the protection and favour of Great Britain, as a recompense due to attachment, as a right founded in the relation of the colony to its metropole, and in the reciprocal advantages of the connection. To withhold such a right, is in a great degree to suspend their progress and to incapacitate them from repaying protection by benefit, either political or commercial. It is to counteract the view with which they were founded, to render them useless to all the great purposes of general welfare. Perhaps, then, it will not be unjust to say, that, if they are to be thus governed by a wayward, changeful, and inconsistent policy, it would be better both for them and the empire, that they should be at once relinquished. The connection dissolved, they would no longer remain the objects of expensive government and protection. But while they continue portions of the empire, they should be treated as portions; they come forward, like England herself, to claim the equal and just protection of a British legislature; and all the naval, and all the commercial interests of Great Britain demand that they, and all the other colonies and dependencies of the empire, should be bound together, as far



as possible, under one great system of reciprocal dependence and benefit, and be regulated in their trade, not by the petty regulations of individual profit, but by the wise and equitable rule of universal advantage.



## CHAPTER X.

*On Licenses and Discretionary Powers.*

CHAP. 10.

The extent of  
the practice.

I MUST now protest, and I wish to do so in the strongest manner, against a most unbecoming mode which has prevailed, and lately been extended, that of conducting the trade of the empire by licenses from the Privy Council, by licenses under the King's sign manual, by orders or instructions from the treasury, and by licenses from the governors of our colonies.\* It is not easy to discover the whole extent of the abuse, but the following statement may afford some idea of the frequency of these indulgences.

The number of American and other foreign vessels, which have entered the ports of Great Britain, under orders in council, or licenses under the King's sign manual, from 5th January 1800, to 5th January 1805.†

|        |      |      |      |      |      |
|--------|------|------|------|------|------|
| Years, | 1800 | 1801 | 1802 | 1803 | 1804 |
| Ships, | 562  | 637  | 256  | 202  | 405  |

The number of American, and other foreign vessels, which have entered the ports of the British West Indies,

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\* The licenses granted by the privy council, were to be procured at the expense of about 14*l.* and included, or might have included several vessels. They have been generally considered as mere matters of form.

† The extracts of orders, licenses, &c. moved for by



under authority of governors proclamations, from the 5th of January 1800, to the 5th January 1805; with the amount of their tonnage, and the number of men employed therein :

|        |         |         |         |         |         |
|--------|---------|---------|---------|---------|---------|
| Years, | 1800    | 1801    | 1802    | 1803    | 1804    |
| Ships, | 1164    | 1252    | 1548    | 1621    | 1557    |
| Tons,  | 119,755 | 132,890 | 173,488 | 173,450 | 170,285 |
| Men,   | 8,286   | 8,525   | 11,095  | 10,004  | 10,678  |

It appears, also, that thirteen American and other foreign vessels have been permitted to clear outwards from Great Britain, with stores, &c. for Gibraltar, Malta, &c. under orders in council or licenses, from the 5th January 1800, to 5th July 1804. And to these may be added 1007 foreign vessels which cleared from the ports of Newcastle and Sunderland with coals, in a period of four years and a half, viz. from the 5th January 1800, to the 28th June 1804.\*


These licenses or orders, on all which certain fees are to be paid, have been generally

Facility with which licenses, &c. are to be obtained.

me in June 1804, and very lately laid on the table of the House of Lords, do not correspond with the words of the motion, and consequently do not give the information required. The vague intimation at the bottom of the return seems intended to palliate a most mischievous practice.

\* In the Appendix, No. X. may be seen the countries to which these foreign vessels respectively belonged, and to which they were respectively bound.



CHAP. 10.  procured on partial evidence, for individual advantage. The merchant who applies for the order, or the license, merely to serve his own purposes, can easily strengthen the application by some pretence of public utility ; and petitions of that nature have been so frequently granted, that they cannot be supposed to undergo any careful investigation. The privileges thus conferred are various. The orders granted at home, occasionally open the British ports to cargoes and vessels which, otherwise, would be liable to seizure and condemnation. The licenses granted in the West Indies, open the ports of our islands to neutral bottoms, to the almost certain exclusion, as far as relates to the trade of supply, of English shipping. By the first, not only is the system of the Navigation Laws violated, but the right of capture and of war is sacrificed, and a trade is virtually permitted with the *enemy*, from which it has been thought right to interdict *neutral* nations. By the second, the whole of that system has been mischievously suspended, very often, it has been thought, for the sake of the emoluments of office, and, sometimes, on the representation of clerks whose fees are concerned, or of planters who have no object but imme-

The privileges  
thus conferred  
as they relate  
to trade.



diate convenience or speculation for gain.\* CHAP. 10.  
 On no ground can such practices be vindicated;

\* The following extract of a letter may be relied on;  
 it comes from a respectable quarter.

St. George's Grenada, Nov. 10, 1805.

“ I beg leave to address you, for the information  
 of the Committee of Merchants in Halifax, respecting  
 the remarks I have made on the trade of this island  
 with the British American colonies and the States of  
 America.

“ I observe that the resident merchant here is no way  
 interested in the carrying trade. I cannot find but one  
 vessel belonging here, a schooner, principally employed  
 to Newfoundland. There are three or four more vessels  
 in that trade and the States, but they belong to Ber-  
 muda, their owners residing there, having only agents  
 here. The principal trade for supplying the island  
 with American produce is entirely carried on in Ame-  
 rican bottoms, either the property of the resident in  
 America, or their partners or agents; or at times, by re-  
 sidents here chartering American bottoms, and by send-  
 ing supercargoes in them, which bring every article  
 that will command a price here. All those articles,  
 (East India goods excepted) are admitted, by petitioning  
 the governor. One of these kind of traders, arrived  
 here, from New York, three days after my arrival,  
 laden with fish, pork, beef, &c. &c. Immediately a  
 petition went round to be signed by the merchants,  
 setting forth the great distress the island laboured under  
 for want of salt fish, beef, pork, &c. &c. although at  
 that very time, there <sup>were</sup> ~~was~~ here above three hundred  
 hogsheads of fish from Newfoundland and Nova Scotia;



CHAP. 10. but when we are told, and told with truth,  
 “ that dispensations were not more frequently  
 obtained from the Pope in the days of Luther,  
 than these dispensations from the law of war,  
 (and the law of the land,) now are from his

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and what will surprise you more, the merchant who  
 purchased Elmslie's cargo, and had a great part of it  
 rotting in his store, was one of the signers; but by my  
 representing to the governor that there was a sufficient  
 quantity of British fish in the island, he would not per-  
 mit the American fish to be landed. This has drawn  
 on me the full weight of their resentment. The As-  
 sembly is now sitting, and the merchants have had  
 interest enough to get a bill brought in to lay a tran-  
<sup>sient</sup>  
~~sient~~ tax of 5 per cent. on our great sales, to be paid in  
 cash; they well know that it will be out of our power  
 to raise cash on salt fish; and by this means they will  
 be enabled to get clear of us; and thus be enabled to re-  
 present home that no supplies from the British colonies  
 arrived here; and then they will have a free trade with  
 the Americans.

“ We are now in a worse situation than before we  
 sent home our complaints. The governor (as is the  
 case in all the islands) has positive orders not to admit,  
 either salt fish, or any other kind of salt provisions,  
 unless the island is in the greatest distress. The high  
 station of the governor does not permit him to be more  
 acquainted with the state of things than as represented  
 by the inhabitants; and as it is their interest to get  
 every article at the lowest rate, they will at all times  
 petition for the admission of the articles they want, let



Majesty's government," \* we scarcely know how to condemn them enough. If, where the object is so important, the rule ought to be decided and known; if the interests of all be too mighty a trust to be committed to any discretionary will whatever; we cannot, without alarm, behold the commercial system of the country submitted to the frail and fallible, and, possibly, the capricious and interested discretion of a few individuals. Whatever veil may be thrown over proceedings like these, the mischief must be still visible. That such flagrant innovations on our maritime laws may tend to increase the revenue, by opening new passages to the importation of foreign goods,

The custom  
not to be vin-  
dicated.

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them be never so plenty, as the more at market the cheaper the article; and especially, as the resident merchant risks nothing at sea himself, and is only a buyer, like any other inhabitant, but on a larger scale. The whole island of Grenada does not supply a single seaman for their own protection.

“ If the British American colonies cannot convince the government at home, that they are fully adequate to the supply of the islands with fish, so as to put it out of the power of the governors to admit American fish, on any pretence whatever, they may as well lay up their vessels.”

\* War in Disguise.



CHAP. 10. or the exportation of our own, is an idle consideration. The gain is, at best, problematical and precarious ; and, if it were real, we should recollect that it is acquired only by opening a market for the goods of the enemy which it must benefit him to sell, or by yielding up a trade to neutrals which we are ourselves perfectly able to conduct.

Constitutional  
objections to  
the exercise of  
discretionary  
powers.

For language like this, I have been already arraigned in a very diverting strain of choice oratory.\* But I presume to think that it is no crime, in a member of a free state, to prefer stable acts of Parliament to the uncertain controul of Privy Councils or of West India governors. No Englishmen who understands and values the constitution of his country, will wish to see his judge possessed of arbitrary power to reject a syllable of the laws, which are to protect his property or his person. Yet, surely, there is not a case to which British jealousy should be more anxiously directed, than that

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\* My words are said to contain an enormity of charge, an extravagance of representation, a distortion of descriptive features, exhibited by anamorphous reflexion intended to disfigure, and by its own creation, to excite disgust and abhorrence ! Claims of the British West Indies, by Mr. Jordan.



which invests a few persons, not only fallible themselves, but liable to be deceived by those whom they employ, with discretionary authority to suspend or limit regulations and rules, which deeply involve the commercial and political welfare of the empire. Such an authority is not merely unwarranted in an abstracted view, but alarming in its extent, and momentous in its object. It refers from the individual to the public; from the regulation of a port, to the whole body of maritime jurisprudence; and it is, in its operation, to counteract wise and radical principles, to frustrate the spirit and operation of system, and to subject the salutary restraints of written laws, to the frail and uncertain determination of human will.

The discretionary powers under which licenses, &c. are granted involve all the maritime interest of the empire.

The very existence of these powers is calculated to produce various mischief. When the regulation is known and fixed, commerce may direct its concerns accordingly. But when men in office and governors, unrestrained by any written statute, regulation, or principle, may suspend or alter the accustomed direction of trade, the prospects of commerce will be rendered uncertain and precarious by the precariousness of the regulation; and commercial

Danger of them to all commercial speculation.



CHAP. 10. speculation, in consequence, will be intimidated and depressed. It cannot be expected that trade can prosper under such circumstances. Firmness and stability of system can, alone, enable speculation to look forward, with any mercantile confidence, to the future; to prosecute its plan with steady determination; and to anticipate with any probable security, those necessities which it may be called on to supply. But what inducement is left to commerce, which may in a moment be counteracted in its views and objects by discretionary orders? What provision will be made for the supply of distant markets, if those markets be daily liable to be opened, by orders from the treasury or council, to foreign competition, and thereby rendered precarious, hazardous, and unsteady? What merchant will continue in a trade which the signature of a West India governor may hourly interrupt or defeat?—I think, therefore, it cannot be denied that these powers of discretion, so eminently liable to abuse, are, at least, dangerous and repulsive to trade; that they tend to introduce into commercial concerns, uncertainty and indecision, which cannot but confine or repress the enterprise of the merchant; and I must also add,



that they are so hostile to the genuine spirit of the law and the constitution, that ministers have thought it necessary to procure an annual act of indemnity, for the exercise of those discretionary powers with which the governors of the West Indies have been invested by the executive government at home.\*

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\* Since the former part of this Work was sent to the press, the presumption and machinations of the American States and of West India agents have clearly appeared, and explain that, not content with the highly objectionable discretionary powers above noticed, the intercourse with our colonies is to be demanded and *insisted on* as a rightful claim. In September 1804, his Majesty's ministers most wisely and laudably determined to limit the mischievous relaxations of the navigation system, and in particular to reclaim that most necessary principle, that all supplies from whatever country they came, should be conveyed to our West India settlements in British shipping, and the following well considered letter was accordingly dispatched to the several governors ;

Downing Street, Sept. 5, 1804:

“ Sir,

“ In consequence of a report of the Committee of his Majesty's Privy Council for Trade and Foreign Plantations, I am to instruct you not to open the ports of the island over which you preside for the admission of articles from the American States, which are not allowed to be imported by law (except in cases of real and very great necessity,) and not to fail to apprise me, in every instance wherein you shall do so, and to state

Q



## CHAP. 10.

And as exercised in making commercial treaties.

I cannot conclude these observations without adverting to one further exercise of executive power. That the executive power is authorized by the constitution to make treaties

at the same time the reasons which induced you to adopt the measure, taking care also, in every proclamation which shall be issued for this purpose, to insert conditions which shall prevent importations being made from the States of America on more favourable terms, as to duties on entry, than on similar importations from the British Colonies in North America, where any such duties are due and payable.

“ I have the honor to be,

&c. &c. &c.

“ (Signed)

CAMDEN.”

Means, however, have been found to elude these judicious orders and instructions ; and, at this moment, with the hopes of taking advantage of the change of ministers every stratagem is exerted to obtain the confirmation of occasional concessions, although expressly contrary to law and good policy, and granted only for a limited time. The people of the American States say that, whatever has been admitted, even under these circumstances, cannot be justly resumed ; but, it should be observed that, whatever has been granted, must be considered as *temporary indulgencies to our own West India colonists*, and not concessions to foreign Americans. If artifice should impose, it will bring forward proofs of the practices in the West Indies to discourage supplies in British shipping, and to give a false appearance of a necessity to employ neutral vessels. Many of the planters and merchants, undoubtedly, did decline to send orders, or to receive supplies, from the remaining colonies in North America, &c. &c.




of alliance or peace, is not to be disputed; but that the essential parts of the Navigation Laws should be yielded by treaty, without previously referring the question to the consideration of the legislature, cannot be proved to be right or necessary. To lay a *commercial* treaty when *concluded*, and when the mischief is done, before Parliament, can scarcely be said to submit it in any respect to their consideration: and I cannot conceive that it is *constitutional* to yield any thing *contrary to the law of the land*, by any such treaty, without the previous knowledge and sanction of the Legislature. I should not now, however, have made this remark, if an instance had not occurred to justify it, in the twelfth article of the commercial treaty with the American States, to which I have already alluded. I respect, and should lament to see diminished, the necessary prerogatives of the crown: I view them in their political expediency, as admirably calculated to enable the executive power to conduct public affairs; but I can never wish to see them unnecessarily submitted to the discretion of any minister, at the expense of institutions and systems; on which is built, and by which is to be maintained, the maritime superiority of the empire.



## CHAPTER XI.

*General Principles—and Notices of Objection.*

**CHAP. II.**  **O**F those, who have undertaken to animadvert on these Strictures, some have complained, some have denied, some have inveighed, but few have argued; to this tribe of answerers I have little to say. I did not expect to escape the illiberal invectives of peevish or hired hostility; and, as to all those defenders of local, partial, and temporary interests, whether they be voluntary theorists, or mercenary agents, or angry and interested declaimers, who presume to allege that, I voluntarily pervert and darken what, I can have no inducement to exhibit but in full light and with full precision, I shall leave undisputed and untouched, their high pretension to decency, candour, and liberality.

General  
principles.

To some general principles and objections, which have been lately advanced on the subject of the navigation and colonial regulations of England, it may not be wholly unnecessary to advert. The consideration may tend to



demonstrate, yet further, the importance of the doctrines which have been sustained in this work; and may afford me an opportunity of correcting some misconceptions of Adam Smith, which are, often admitted, without examination, and, on which, many writers of the present day, are contented to rest their opinions and arguments:

CHAP. II.

There have been two systems formed on the subject of colonies,—the mercantile,—and the economical. According to the first, colonies, are regarded solely as objects of monopoly and gain. According to the last, colonies, are utterly mischievous in their establishment and effects, and, are calculated, solely, to divert into a wrong channel, the strength and vigour of the mother country, and to seduce capital and industry from domestic pursuits, more profitable and more just:

Mercantile and economical theory on the subject of colonies.

To these systems, considered in a rigorous view, there are many sound and solid objections; and the author of the *Wealth of Nations*, seems almost equally to condemn the two systems. He is unwilling, either to resign, or to monopolize the trade; and he admits, every where, that colonial commerce, is beneficial and indispensable, and, therefore, authorizes

Adam Smith on the subject.



CHAP. II. colonial possessions. But, he does not tell us how, as the world is at present constituted, we are to secure the trade without enforcing the restriction; and, while he approves the trade and reprobates the restriction, he seems unwilling to recollect that, by renouncing the last, he directly exposes and endangers the first.\*

His disappro-  
bation of the  
Navigation  
Laws in a com-  
mercial, and  
his approba-  
tion in a mari-  
time view,  
inconsistent.

According to this generally excellent writer, this system of restriction, though injurious in a commercial view, is yet singularly salutary and right as a means of naval superiority. Here again, we are compelled to object; and, we know not how to condemn the trade as commercially injurious, which produces such important and profitable effects. The production of a navy, to an insular power, is the best criterion of the value of the trade: *Qui mare tenet, eum necesse esse rerum potiri.\** The commercial superiority of Great Britain could not long exist without the protection of naval strength; and, if the navigation system, as it surely does, contribute to the maintenance and magnitude of the one, and thereby to the

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\* Wealth of Nations, B. IV. c. 7.

† Cicer. ad Attic. L. 10, Ep. 7.



safety and permanency of the other, that system must be admitted to be equally profitable and wise, in a commercial, as in a political view. \*

The system, cannot be deranged, without a complete derangement in its effects, not solely as those effects refer to the military, nor solely as they refer to the commercial marine of the country, but to both. Let British trade, especially as it relates to shipping and mariners, be portioned out to American or European rivalry, and in the same proportion, the British navy will be contracted by a diminution of its means ; let the navy be contracted, and the security of the trade will be proportionally lessened, and in the same degree, the

The Laws produce the effects which he extols by the restrictions which he decries.

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\* The History of Spanish Commerce may elucidate the remark. Spain, had been accustomed to claim the full and exclusive possession of America. But the Brazils, were first disputed with her, by the growing greatness of the navy of Portugal, and she lost that market ; and in, “ consequence ” says Smith (Wealth of Nations, B. 4. chap. 7. p. 163 Ed. 1776,) “ of the declension of her naval power, the effects of the defeat or miscarriage of, what she termed, the invincible Armada, which happened towards the end of the 16th century ; ” she was, by turns, compelled to accede to the settlements and commercial encroachments of the English, French, Dutch, Danes and Swedes. Her commerce no longer maintained her superiority.



CHAP. II. permanency of its prosperity exposed to hazard. The commercial and military marine are, therefore, equally dependent on each other. "Like most other political re-agents, not only is the service rendered by both reciprocal, but the effects of their progressive improvement are mutual,"\* and the system, by consequence, which is confessedly salutary in the one respect, cannot be, justly, denied, as injurious in the other.

They cannot promote naval superiority without promoting commerce.

Were it demanded by what means this system promotes the naval superiority of Britain, the reply would be obvious. It is, by encouraging all the arts connected with ship-building; by occupying and training innumerable mechanics in our docks, and ports; by directly increasing the demand for shipping; and by providing for the constant employment, and gradual education of such a number of seamen, as may be, on every occasion, ready to meet the emergency, and the requisition of war. All this, however implies a great and flourishing trade, because it involves materials to be brought from every part of the globe; a healthy and active circulation of capital, and a

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\* Brougham's Colonial Policy, Vol. I. p. 191.



commercial connection and intercourse of great extent.\* CHAP. II.

In the adoption of a code, however, which must be admitted to be thus fruitful of good effect, England is to be charged, neither, with wholly deserting the economical system, nor with wholly adopting the mercantile theory. She cultivates her lands, and, with due encouragement, would cultivate them more. But the magnitude of her capital enables, or the peculiarity of her situation, as a maritime country, requires her, to pursue, also, the occupations of external trade.† She has not,

The navigation system of England neither wholly commercial nor wholly economical. Its objects

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\* It is evident, therefore, that the Laws which may be said to create the navy, must previously, foster and extend the trade ; and, he, who allows them to be beneficial in the first instance, virtually admits that they are profitable in the last.

† “ The wealth of England,” says the author of the Colonial Policy, “ appears to be arriving at a state of overgrown magnificence ; not to mention the great portion of capital which is daily poured into our own settlements, let us only recollect the eagerness of traders and capitalists, during the late war, to engage in speculations, of which, the scene was laid in disputed ground, surrounded by rebels or enemies, or both, and held by the precarious tenure of the sword. The speculations carried on in St. Domingo during the most turbulent periods of negro warfare and French invasion,



CHAP. II. merely to dig food from the earth, the most necessary of all labours ; but, she has to look to her existence as a nation, and to fortify herself, as against a surrounding enemy. The plough, alone, will not resist the sword ; overflowing granaries will not repel war. Hence, her monopolies are formed, not for the purpose of diverting capital and industry from her soil, nor solely for the purpose of revenue, but, of rendering commerce contributory to her defence. Hence, she restricts her colonies not as a means of squeezing from them their wealth, nor of bending them to submission, but of rendering them serviceable to the empire, and contributory to common strength and to common prosperity.

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are, of themselves a sufficient proof of this position. But, the immense capital poured into the Dutch settlements, during the short period of the late war that they remained in our power, is still more strongly demonstrative of the same fact."—This sum is estimated by the same writer at £18,000,000.—Colonial Policy, Vol. I. p. 216. The improvidence of such speculations as these, cannot be too highly condemned, and they are politically, highly objectionable. We expend enormous sums in the capture, in the first instance, and the improvement afterwards, of Settlements, which, it is but too certain, must be soon restored to the enemy, advanced by British energy and capital to a state of rivalry which may prove ruinous to our own colonies.



These regulations of restriction, have been, CHAP. II.  
 already, shewn to be, no invasion of right. Its restrictive  
regulations  
no invasion of  
colonial rights.  
 The arrangements which they have produced  
 with respect to the colonies, are too firmly  
 established to be now abrogated ; and, if it be  
 also true that, “ the two principles, on which  
 our colonial policy is founded, that, which  
 respects exclusive trade, and that which  
 refers to naval power, are so intimately con-  
 nected, as not to be capable of separation with-  
 out great violence to both,” \* the colonies, can  
 have no reason to complain of that which, in its  
 consequences, repays restriction by security,  
 and renders trade and wealth the instruments  
 of their own preservation.

It seems, nevertheless, that these regulations  
 are to be described and decried as regulations  
 of carriers and “ shopkeepers” †—We are em-  
 phatically told, “ that the exclusive trade is  
 not only advantageous, but, greatly advantage-  
 ous ;—that it must contribute more to increase

Objection to  
the exclusive  
regulations of  
the Navigation  
System, as  
they promote  
a trade of car-  
riage, consi-  
dered.

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\* Edwards’s Hist. West Indies, Vol. II. p. 444.  
 Mr. Edwards, it has appeared, is not always consis-  
 tent. His admission in favour of the exclusive prin-  
 ciples of the Navigation Laws destroy his arguments  
 against them.

† Wealth of Nations, Vol. II. p. 221.



CHAP. II. the enjoyments and to augment the commerce of England—and that by keeping down the enjoyments and industry of other nations, below what they would otherwise rise to, it gives an *evident advantage* to the countries that possess it, over those other countries.”\* But still, the restriction, it is declared, “is unjust and mischievous,” and founded “on projects, fit, only, for a nation governed by shopkeepers”† and carriers. If, however, this “mean and malignant monopoly,”‡ as it is termed, this monopoly which, “increases the commerce of England,” and is yet faulty; which “establishes the preponderancy of our navy,” and is yet injurious; which “gives Britain an advantage over other countries,” and is yet impolitic and base—if this monopoly, at once, so extolled, and so condemned, were merely to secure to this country, a trade of carriage, it would not, therefore, be despicable, because, it would constantly employ an extensive marine, and occupy and remunerate a wide and diffusive industry.

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\* Wealth of Nations, Vol. II. p. 195, 215.

† ‡ Ibid. B. IV. c. 7.



*The following Account of Produce exported from* CHAP. II.  
*one Island only, viz. Jamaica, for one year,*  
*from 1st October, 1804, to 1st October, 1805,*  
*shews the importance of the West India carrying*  
*trade ;*

|          |                                                                         |                                                                                        |
|----------|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Sugar    | { 137,906 hhds.<br>17,977 tierces<br>3,689 barrels }                    | Sugar, equal to 150,000,<br>and on hand at the time<br>mentioned about 15,000<br>hhds. |
| Rum      | { 53,211 puncheons<br>1,328 hhds.<br>133 barrels<br>167 kegs }          | Equal to about 54,000<br>puncheons at 110<br>gallons each.                             |
| Molasses | — 471 casks—(size of puncheons)                                         |                                                                                        |
| Ginger   | { 2,128 bags<br>315 casks }                                             |                                                                                        |
| Pimento  | { 7,157 bags<br>288 casks }                                             |                                                                                        |
| Coffee   | 24,137,393 pounds weight                                                |                                                                                        |
| Logwood, | not specified, but may be about 3000 tons—<br>some Mahogany—and Cotton. |                                                                                        |

The quantity shipped to Britain may be about  
230,000 casks of sugar, rum and coffee—equal to the  
lading of about 400 ships.—


By a carrying trade, in a great degree, Ve-  
nice and Genoa acquired opulence and power.\*

Importance of  
a carrying  
trade.  
Venice, Genoa,

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\* Some writers have considered the carrying trade,  
as of all others, the most profitable ; because, it becomes  
a direct means of levying contributions on other nations,



**CHAP. II.**  By a carrying trade, Holland accumulated the great and overflowing wealth, by which it was distinguished in the middle of the seventeenth century, and enabled in the midst of the most burdensome and obstinate wars, to purchase an army of sixty thousand mercenaries, and to fit out a fleet of one hundred sail. And without advert<sup>g</sup> to Genoa or Venice, what has been the result, in Holland, of the decline of that trade? When by the progress of naval skill and the extension of capital in other kingdoms, the merchants of that country found rivals in those who had before employed them as factors, they were compelled to turn their stock into other channels, and even to lend to foreign governments and foreign individuals, what they no longer found means to employ in profitable trade. According to Demounier, a well informed, and generally accurate writer, the stock lent in this manner, without admitting into the calculation the vast sums lent to France from the year 1777, amounted in the

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not in the shape of money, but goods; and they ascribe, the rise and prosperity of Holland, Hamburgh, and the Italian republics, to this cause.—Wheatly on Currency and Commerce, p. 165, 6, 7, &c.



year 1780 to £73,000,000. The Abbé Reynal, whom I quote, not as authority himself, but as corroborating to the authority of another, has made a similar statement;\* and many other writers of no inferior name have confirmed the assertion. Thus then, the trade produced the immensity of the capital and the splendour of the power, and thus, the decay of the trade, has injuriously diverted the capital abroad, has rendered it, comparatively, useless, to all the great purposes of national industry, and, has afforded, in its consequences, a full proof, that a redundant stock cannot, always, if thrown out of one trade, find employment and profit in another.†

It is from the carrying trade, under the regulation of our Navigation System, that Postlethwaite has chiefly derived the commercial prosperity of Great Britain. Prior to the estab-


Postlethwaite  
on importance  
of colonial  
trade.

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\* Hist. Phil. et Polit. Tom. IV. p. 278.

† It is not merely this consequence of declining trade, of which Holland has to complain. The fisheries of that country which, it is said, in 1669, occupied and fed 450,000 persons, scarcely supported 80,000 in 1788. The population has also diminished in the same degree. Interests of Holland by John de Wit, Part I. chap. 9.



CHAP. II.  lishment of our colonies, according to that writer, we were utterly dependent on other nations for the supply of numberless articles of necessity or convenience. “ Our manufactures were few and indifferent. Germany furnished us with all things made of metal, even to nails. Wine, paper, linens, and a thousand other things came from France. Portugal supplied us with sugar. All the products of America were poured into us from Spain ; and the Venetians and Genoese retailed to us the commodities of the East Indies at their own prices.” The commercial revolution which has taken place, is well known. Our colonies and our systems have demonstrated their utility by their consequences. The nations who supplied Great Britain with their produce and manufactures, look to Great Britain for supply in their turn ; and the British ports which were frequented only by foreign vessels, are now crowded by our own.

Colonial trade  
further con-  
sidered.

Many of those speculative writers, to whom allusion has been so frequently made, talk much of the effect of the Navigation System, in diverting capital into distant channels, and urging the pursuit of the more remote, in preference to the nearer trade. But, after



all, in what trade, could capital be more advantageously employed, than in that with the West Indies? In other nations we are exposed to competition and jealousy which may rival or reject us, and the commodities to be procured are, sometimes, less dissimilar to our own, or, less essential to our convenience. But, let me repeat it, that the trade with the West India settlements is exposed to no such evils. The mother country and those colonies are bound together by mutual necessity. Neither party can possibly rival the other. Superfluous produce is brought to market without the hazard of competition, and the benefits of the market are exclusively confined to each for the reciprocal advantage of both.

By this trade it is certain the manufacturing interests of Great Britain are greatly encouraged, and it has been, therefore, argued that, both labour and capital are fatally seduced from her soil. But the argument has been ill stated and ill sustained. It is by the exclusive nature and the great extent of its very demand for manufactured commodities that, the supply trade of the colonies becomes indirectly an encouragement to the agriculture of Britain.

The effects of the colonial trade on agriculture and manufacture.

Adam Smith on the subject.

“ For the manufacturers of England, to whom



CHAP. II. that trade gives employment, constitute, a new market for the produce of land, and the most advantageous of all markets,—the home market; for the corn and cattle of England is thus greatly extended by means of her Colonial System.”\*

Political economists declaim against this trade, as they declaim against colonies, on the principle of concentrating national industry and wealth. But, these men, argue with no reference to the existing circumstances of nations. It is forgotten that, colonies, are “inseparable from the genius of a maritime kingdom, and essential to its prosperity” and its power; and that, the exclusive nature of colonial trade, such as, that with the British West Indies, provides a safe and ready demand for surplus commodity, and, therefore, affords additional encouragement to the skill and activity of domestic labour. In this light, however, colonies

And Arnould. merit to be considered; and the language of Arnould, which was applied to France, may be applied also to Great Britain. — “*Toutes ces circonstances réunies, ont produit la plus grande activité, et une forte émulation dans le*

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\* Wealth of Nations, B. IV. c. 7; Vol. I. p. 215.



commerce des Européens. Elles ont multiplié les consommations, et ce mouvement producteur, a particulièrement été favorable à la France, devenue, vers le commencement du siècle, propriétaire d'objets nouveaux de consommation. Avec le secours des denrées de nos Isles d'Amerique, la France a fondé *une marine coloniale importante* ; elle a fait ainsi valoir les marchandises navales du Nord, pendant que les capitalistes, les armateurs, et les négocians Français en s'enrichissant par le commerce, comme les agents du gouvernement, par la part qu'ils obtenoient dans la progression des impôts sur les consommations, se sont livrés à un luxe qui a augmenté le débouché des produits du sol et de l'industrie des contrées Méridionales de l'Europe.\*

In a word, the colony trade, if the true system be maintained, is politically and commercially speaking, essentially interwoven with the most important interests of Great Britain. As a means of national independence and glory, it is admitted by every intelligent writer, to be,

General view.

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\* Arnould, Balance du Commerce ; Résumé du commerce avec les Puissances et Contrées de l'Europe, Tom. I. chap. x.



CHAP. II. of incalculable importance; and, notwithstanding it is occasionally described by Dr. Smith\* as productive, in a commercial estimate, “of absolute and relative disadvantage” and “as less frequent in its returns, and, therefore, inferior in the quantity of productive labour which it employs;” it is yet described by the same author, as incomparably more advantageous than all that scattered commerce, from which he seems to lament that, it should have attracted so much of the industry and capital of the nation.† Of a trade, thus valuable, without which our colonies would become an oppressive burden and a grievous evil, and with which

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\* Dr. Smith was an able writer, but his theoretical views were not always regulated by practical knowledge, and he, therefore, sometimes, falls into inconsistencies on the subject of corn and navigation regulations, which merit notice.

† “The new market and new employment which are opened by the colony trade is of much greater extent than that portion of the old market which is lost by the monopoly.” *Wealth of Nations*, B. IV. c. 7, p. 214.

The new produce and the new capital which have been created, if one may say so, by the colony trade, maintain in Great Britain a greater quantity of productive labour than what can have been thrown out of employment by the revulsion of capital from other trades of which the returns are more frequent.



they become a source of wealth and strength to the empire, this country, I trust, will never forget the value and importance. The restrictions, under the shelter of which it has sprung up and flourished, are sanctioned by the testimony of long and decisive experience ; and indisputably, it would be worse than folly or presumption, to renounce or impair, a system which has been thus tried, for theories which, at best, are visionary and vague, and for suspensions of which, hitherto, we only know that, they have been neither necessary in fact, nor founded in wisdom, nor salutary in experience.


CHAP. II.



Having thus noticed the principal objections to the doctrines and system which I maintain, I would briefly advert to that extravagance of contradiction, and that inconsistency of admission, which are so often found to adorn the writings of some of the animadvertors on the Strictures. At one moment, according to one of these writers, the Navigation Laws are “ wise in restriction, salutary in effect, and rightful in principle ;” at another, “ they are destructive of natural rights, hostile to the exercise of natural powers, and prohibitory of the

Concluding  
notice of ob-  
jections.



CHAP. II. enjoyment of natural benefits."—In one page,  "the American intercourse with the British West Indies, should be guarded with all the vigilance of caution," and, at all events, "American vessels, only, should be admitted into the intercourse, which, from their inferior size, might not be able to cross the Atlantic;" in another, "the intercourse should be permanently open to American bottoms," and, it is said "to be better to admit, American vessels of all descriptions, in the same unqualified manner, as British."—By one agent, a zeal of vindication is exercised, in defence of discretionary powers, which adds the decent energies of abuse, to unqualified vehemence of assertion; by another, those very powers are forceably described "as contrary to the spirit of the constitution."—In a word; the Navigation Laws, are, as described by these men, commercially injurious, and, they are not commercially injurious—they are cruel in their exclusions, and their exclusions are founded in right and wisdom—they should be inviolably maintained, yet they should be suspended, limited, changed—they exclude foreigners from the West India colonies with indisputable




right, yet they infringe the absolute rights of CHAP. II.  
 the colonies by the exclusion.\*—These pas-  
 sages, so singularly hostile to each other, will,  
 probably, be thought to require no comment.  
 The inconsistency which they evince is plain  
 enough ; and, it cannot be necessary, to remind  
 the reader of the inferences to which they  
 lead.

I am not desirous by observations like these, Innovation  
deprecatd;  
 to repress one inquiry on this subject, which  
 may be candidly and considerately undertaken.  
 But, I confess, I should rejoice to see innova-  
 tion less ardent and less busy. We have  
 around us proofs enough of the madness of en-  
 couraging a temper so fond of novelty. What  
 else, has contributed so effectually to the suc-  
 cess of the doctrines of France ? Or, what else,  
 has, even in these days, destroyed the indepen-  
 dence of so many states, which, but for this lust  
 of change, might yet have preserved their pri-  
 vileges and rights ? I would, therefore, anx-  
 iously avert, especially in such times as the

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\* “ Claims ” by Mr. Jordan, Commercial Agent for  
 Barbadoes—p. 3-8, 17, 53, 84, &c. &c. Answer to  
 Lord Sheffield by Mr. Cock, Commercial and Public  
 Agent to the Corporation of Liverpool, p. 54, 56, &c.



CHAP. II. present, all inconsiderate innovators from the  
 very threshold of our national institutions ; and  
I would ardently hope that, men will no longer  
be found to relax and suspend a single article  
of the maritime system of this country, without  
seriously and calmly estimating results, and  
well weighing, in the balance of the public  
welfare, what is to be renounced, and what  
preserved.



## CHAPTER XII.

*Recapitulation and Conclusion.*

IMPRESSED, from the preceding considera- CHAP. 12.  
 tions, with a full conviction of the commercial  
 and political importance of the subject dis-  
 cussed, I earnestly hope that, before mea-  
 sures shall be adopted for renewing those  
 suspensions of which I have complained, they  
 will be candidly submitted to the considera-  
 tion of Parliament. If, however, these sus-  
 pensions and licenses should be continued  
 or renewed, it will be necessary to bring for-  
 ward some inquiry respecting the state of our  
 Navigation Laws, for the sake of protesting, not  
 only, against those measures, but against per-  
 mitting foreign American vessels, contrary to  
 the whole tenor of our colonial system, to enter  
 our West India ports. Such an inquiry would  
 probably produce a full discussion of the sub-  
 ject; and I should offer, and be able to estab-  
 lish, at the bar of the House, by the testimony  
 of several of the most respectable merchants  
 and others, the following propositions;



## CHAP. 12.

General recapitulation.

That the commercial policy of admitting goods, the produce of all countries, in any foreign vessels, or the supply of our colonies by foreign shipping, departs entirely from those principles under which our navigation has so much prospered.

That the late suspensions of the Navigation Laws depreciated all property in British shipping; transferred a great portion of the carrying trade of Britain to foreigners, while the vessels of British ship owners, to a vast amount, were lying useless in port, and the ship building business suspended; contributed in an alarming degree, to the dispersion of our seamen and naval artizans; and opened the ports of the British West Indies to foreign intercourse in a manner peculiarly injurious and unjust to various dependencies of the empire.

That Great Britain and Ireland, and the remaining British Colonies in North America, would be, if not discouraged, abundantly competent to the steady and effectual supply of the British West Indian market; in the mean time, British ships would supply any deficiency from the States of America.

That their right to the full enjoyment of that market is indisputable and essential, and



founded in wisdom, policy, justice, and the common interest of the empire. CHAP. 12.

That Canada, Nova Scotia, New Brunswick, and Newfoundland especially, must be impoverished, if they are to be deprived, by the admission of foreign American vessels into the ports of the British West Indies, of the means of disposing of their great articles, lumber, fish, &c.

That if the intercourse of the American States be still necessary, to the British West Indies in any respect, which is utterly denied, there is no reason why the intercourse should be carried on in vessels belonging to those States.

That so far is it from being true that British subjects cannot at all times furnish vessels sufficient for the carriage of all supplies to the West Indian markets, that the British and colonial ship owners have offered, if the Navigation Laws should be properly maintained, to undertake the carriage in British vessels, on the same terms which are demanded by the people of the American States.

That the circuitous trade from England to America and the West Indies, and thence to England, in British bottoms, is individually profitable, and nationally important.



## CHAP. 12.

That the owners of British vessels in the West India trade, who are discouraged from undertaking the circuitous voyage in consequence of the Suspending Acts, many of whose vessels now go out in ballast, would, by going first to America, from thence to the West Indies, and so home, be sure of two freights, and perhaps three, instead of little more than one.

That they will reap this benefit without any material addition to their charges, in the payment of seamen's wages, and port duties ; and will find it advantageous to send their vessels, destined for the circuitous trade, from hence even in ballast, if they cannot procure a freight outward, because the freight from America to the West Indies, would, after deducting all charges, leave them a handsome profit.

That the navigation and colonial policy of Great Britain instead of being, in any respect, hostile to the reasonable claims of other nations, is founded in undeniable right, policy, and wisdom.

That it is to this policy, principally, that Great Britain is indebted for her commercial prosperity, naval predominance, and, perhaps, political existence.

That the restrictions by which the ports of



the British West India colonies are closed to CHAP. 12.  
 foreign vessels are essential to the sole object  
 of founding colonies, and are recompensed by  
 reciprocal advantages in the markets of the  
 mother country.

That all deviations from those principles,  
 must ultimately prove injurious to our carrying  
 trade, and to our commerce; and that, should  
 the permission given to foreign American ves-  
 sels, even of limited tonnage, to enter our  
 West India ports, be continued, a wide channel  
 will be opened to the smuggler, to the injury of  
 the fair trader, as well as of the revenue.

That such permission will enable the con-  
 traband dealer to introduce clandestinely into  
 our islands, in foreign American shipping, a  
 considerable portion of the European and East  
 India goods, hitherto supplied by Great Britain,  
 and that the officers of the customs will be found  
 but a feeble and insufficient check to that mis-  
 chievous traffic.

That the allowing foreign American vessels  
 to trade to our islands, under the pretence of  
 supplying them with lumber and provisions  
 more regularly, and at a cheaper rate, is falla-  
 cious; because the American States, however  
 they might afford to do so, do not carry cheaper



CHAP. 12. than Britain, the freight in British and foreign American vessels having always been the same.

That British merchants will not fit out ships to carry on the supply trade of the West Indies, if they shall be liable to be interrupted by the *transient* ships of the American States, the supply by which is peculiarly fluctuating, and sometimes extravagant in respect to price, and is by no means so certain and steady as that which is carried by British vessels, regularly stationed on the trade.

That it is, therefore, the indisputable interest of the British West India settlements, as well as of Great Britain, that the trade, instead of being subjected to the irregular speculative mode practised by the foreign Americans, should be carried on by British shipping regularly employed in the circuitous voyage, or by vessels properly stationed in the British West Indies.

That if the entry of foreign American ships be granted, our West India settlements will become dependent on the American States.

That the people of the American States, though, in return for provisions and lumber, they have sometimes taken molasses, rum,



coffee, and a quantity of sugar, not exceeding the permitted allowance of one third of the vessels inward cargo, have more frequently received money for their cargoes, which they carried (as under similar circumstances they will continue to do,) to the Spanish, French, Dutch, and Danish settlements, the produce of which they could purchase at least 20 per cent. cheaper than that of Jamaica.

That the American States have already gained an extraordinary portion of our carrying trade, and that on an average of three years, 1795, 1796, and 1797, no less than 1289 foreign American cargoes have been entered inwards, in the several ports of the British West Indies.

That the navigation of these kingdoms is lessened to the amount of the tonnage and men thus employed.

That if we repeat the experiment which we made by the Act (founded on the Dutch Property Act), and by which the Navigation Laws were suspended for two years after the war, the complaints of our merchants will be justly renewed, our shipping and men, to be discharged on the return of peace, will remain without employment; the ship building trade will be utterly discouraged; and the multitude of



CHAP. 12. artizans connected with that most essential manufacture, be dispersed abroad in search of occupation and bread, or remain at home, idle, famished, and riotous, as on former occasions, the greatest nuisance, instead of the greatest advantage to their country.

To these details I might easily add more of great importance and weight, but enough, I hope, has already been said, to satisfy the public, that the Navigation Laws cannot be suspended or violated without much private mischief and public danger. Whatever may be my anxiety to assert the true principles of commerce by discussions of this nature, the recollection of the temporizing and ill considered policy which has of late prevailed, does not diminish that anxiety. Even at this awful moment (January 1806) when so many amongst us look for danger only from abroad, I think I see internal causes, which, if they should long continue, are likely to accelerate the fall of the British empire. The disposition to sacrifice, on so many occasions, not merely the genuine principles of trade, but also every other consideration, to the immediate demands of finance, menace not only the maritime strength, but the prosperity of the realm. However great may



be the necessity of extraordinary supplies, I cannot see the necessity of rendering a taxation which is excessive beyond all example, yet more vexatious by the odious modes lately adopted of collection and enforcement. The effect of such measures, together with the consequences of immense loans, encouraged \* by a pampered credit, and deranging almost every thing of public and private concern, impresses ideas which, by lessening the interest which each subject should feel in the state, contributes to diminish national strength by extinguishing the ardour of public attachment or chilling the generous spirit of defence.

A still greater evil arises from this thirst of finance. We slight the more stable dependence on permanent property for the precarious dependence on confidence and credit, and it is to these, and to a capital, in a great degree sustained by both, that the attention of the times is perpetually turned. There may indeed be good and sound reason for confidence in Parliament, but the credit arising from that

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\* At any other time than the present crisis I should add, *unfortunately*, as the facility of raising money encourages a wasteful expenditure, and, perhaps, too great a promptness to war.



CHAP. 12. confidence has, perhaps, been abused and stretched beyond the bounds of political prudence; and it should not be forgotten that confidence, and, of course, credit cannot always be commanded, and that however they have appeared to serve us when less necessary, they may fail when most wanted.

I hope it will not be thought further digressive to observe that, the landed interest of the country, to which the nation should be accustomed to look for permanent welfare and security, appears studiously to be kept down, and comparatively speaking, is little mentioned or heard of. That respectable body which ought to be the first in consideration, and which in its associated strength and talents, would effectually assert and vindicate its consequence, has inertly endured depression which it should not have suffered, and seems to have sunk into a torpid forgetfulness of the necessity of maintaining its own importance. It is obviously the policy of commercial bodies to acquire ascendancy as far as possible in the legislature, and the policy which directs the attention of ministers to those bodies, and to the monied interest is equally obvious. The consequence of these circumstances is not



to be considered as referring to the individual, CHAP. 12.  
 but to the nation. The representatives of  
 permanent property not having their due  
 weight, and tired out by the length of a ses-  
 sion, protracted almost to the autumn, retire  
 from the duty they owe to their constituents,  
 and the most essential measures of taxation,  
 finance, or trade, are brought forward and  
 carried, sometimes with much precipitation,  
 and sometimes almost without notice \* at the  
 close of the session, which, at former periods,  
 would have been investigated with independent

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\* An essential infringement of the Navigation Laws was *managed* with extraordinary precipitation and without notice in July 1804.—A bill was brought into Parliament to authorize the export of salt from the Bahamas *in foreign American bottoms*. Besides the detriment, resulting therefrom, to the British carrying trade, the counties of Cheshire and Lancashire, and that great Emporium, Liverpool, were much interested. The Bill was rapidly hurried through the various stages, as the following statement of its progress will evince: it was proposed and ordered on the 11th July,—presented and read the first time on the 12th,—read a second time on the 13th,—in committee on the 14th, (the 15th was Sunday,)—reported on the 16th,—passed on the 17th, and on the same day carried to the Lords;—it was returned on the 23d; without having excited the smallest attention in either house, and without the slightest



CHAP. 12. vigilance, or rejected, perhaps, with independent energy. How long the landed interest will continue, thus voluntarily, to sanction its own depression, it is not easy to predict. But this renunciation of consequence, and this secession from influence render it only the more necessary to guard against that management and policy which on some late occasions have so freely tampered with the genuine principles of navigation and commerce, as well as the most essential interests of the state. Trade alone may open a source of precarious and fleeting prosperity. But the honest statesman and the true British merchant will not be willing to resign, for any secondary views, the high interests of that commerce which, while it enriches the nation, provides a navy for its defence. At all events it must, even at the moment of actual embarrassment or calamity,

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reason being assigned for the measure, or the necessity of such precipitancy in passing it. It was not known at Liverpool that such a Bill was even in contemplation, until the 16th, and of course it was then too late to petition against it; application, however, was immediately made to ministers, to suspend the progress of the Bill, and strong representations against the measure, but without effect.



be peculiarly dangerous to sacrifice any of those old and necessary principles which connect the interests of the commercial and the military marine, and which once conceded, from whatever weak and temporizing motive, we may never be able to recover.

I shall only farther observe that, the arguments I have advanced, have issued from no enmity to the American States, or to the individuals of any nation. My writings and efforts, for upwards of twenty years, in favour of the great Palladium of our marine, have, indeed, excited against me in foreign America, some asperity; and these pages may possibly renew the enmity which has so often attempted to arraign my intentions, and disprove my observations. If, however, I had been inclined to inveigh against the Americans, various circumstances and facts are within my knowledge, which would have enabled me to indulge such a spirit. But far from being disposed to avail myself of occurrences not immediately connected with my subject,\* I have sought

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\* I have less ground than others for dissatisfaction respecting the American States, because I do not regret the independence, especially of the States North East,



CHAP. 12. and am anxious only to maintain, in a manner, however, inadequate, the most valuable and indispensable code of my country ; and, satisfied as I am with the motive which has led me to this discussion, I shall not be very sensible to the disapprobation of angry or prejudiced opponents. It will be enough for me, if the publication of opinions, which a long expe-

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West, and South West of the Chesapeak, which produce little that we want ; and above all, because an article, that would have proved highly mischievous to the mother country, had been introduced into our colonial law, viz. that plantation built ships should be deemed British ; by which means our colonies became our most dangerous rivals in the manufacture of which we should have been most jealous. And it should be observed that, it began to interfere very much with the ship-building trade of this country ; and that the numerous artificers employed in that trade, not only were more apt to emigrate to America than others, but all persons of that description, and the seamen employed, would have been out of our reach at the moment we should most want them.

I must add, that the attempt to introduce East India built ships is perfectly unjustifiable, especially as our possessions in the East are not plantations ; and all the arguments offered in favour of admitting them to the British Register, tend only to shew that we should import the teek timber and other articles for constructing ships, from the East Indies, but by all means keep the manufacture at home.



rience, and a twenty years accumulation of CHAP. 12.  
proofs have only tended to confirm, should induce men to deliberate with caution on new treaties, which may subvert, or at all, impair, the established laws: and I shall account my reward very high, if, by this or by former writings, I shall be thought to have contributed any thing to the progress of British trade, and yet more, to the maintenance of the British navy.








## APPENDIX.

## No. I.

*Ships on Sale in the Port of London in the Months of  
May and June 1802.*

| Ships Names.    | Tons. | Owners Names.                     | Brokers.                   | APPENDIX<br>I.                                                                    |
|-----------------|-------|-----------------------------------|----------------------------|-----------------------------------------------------------------------------------|
| Charlotte       | 280   | _____                             | Gardiner & Co.             |  |
| Unicorn         | 289   | _____                             | S. Barbe & Co.             |                                                                                   |
| Julian          | 520   | _____                             | Beatson                    |                                                                                   |
| Melville Castle | 800   | _____                             | Hambleton Tony             |                                                                                   |
| Isabella        | 420   | A. Collins.                       | _____                      |                                                                                   |
| Norfolk         | 620   | Thompson                          | _____                      |                                                                                   |
| Earl Wycombe    | 655   | _____                             | Taylor                     |                                                                                   |
| Altermazer      | 600   | Robson, Shadwell                  | _____                      |                                                                                   |
| Andersons       | 500   | Mestaer                           | _____                      |                                                                                   |
| Ranger          | 360   | Limbria                           | _____                      |                                                                                   |
| Lucas           | 191   | { F. Braice,<br>Deptford          | _____                      |                                                                                   |
| Heart of Oak    | 38    | { Addis, No. 4,<br>St. Thomas-st. | _____                      |                                                                                   |
| Stad Rimbnetz   | 80    | Deddman,                          | _____                      |                                                                                   |
| Aid             | 350   | _____                             | Marshall and<br>Hutchinson |                                                                                   |
| Williamson      | 225   | { Some, Her-<br>mitage-street     | _____                      |                                                                                   |
| Trio            | 384   | _____                             | Duncan                     |                                                                                   |
| Jeannie         | 95    | _____                             | Chapman                    |                                                                                   |
| Fishburn        | 360   | { T. Brown,<br>Mile End           | _____                      |                                                                                   |
| Lady Nelson     | 338   | Ditto                             | _____                      |                                                                                   |
| Cato            | 431   | { Faith, Wap-<br>ping Wall        | _____                      |                                                                                   |
| Earl Marchmont  | 206   | { Coward, Para-<br>dise-row       | _____                      |                                                                                   |
| Joshua & Mary   | 164   | { Loyal, in the<br>Minories       | _____                      |                                                                                   |




## APPENDIX

## I.

| Ships Names.   | Tons. | Owners Names.                       | Brokers.         |
|----------------|-------|-------------------------------------|------------------|
| Argo           | 127   | Bray, Tower-st.                     | _____            |
| Sarah          | 350   | _____                               | Hopkins & Gray   |
| Union          | 135   | _____                               | Sam. Barbe and   |
| Three Friends  | 82    | _____                               | Green            |
| Ranger         | 50    | { Sanders,<br>Thames-st.            | _____            |
| Rover          | 54    | Ditto                               | _____            |
| Rambler        | 60    | Ditto                               | _____            |
| Providence     | 180   | _____                               | Heathfield & Co. |
| Bedford        | 170   | _____                               | Clerk and Gilson |
| Calais Packet  | 61    | _____                               | Ditto            |
| Two Sisters    | 140   | Smith, East Lane                    | _____            |
| Hannah         | 150   | Dixon, East Lane                    | _____            |
| Fruitful Vine  | 112   | _____                               | Garratt          |
| Brothers       | 81    | _____                               | Ditto            |
| Agenoria       | 85    | _____                               | Hawkins & Heath  |
| Endeavour      | 106   | _____                               | Garratt          |
| Perseverance   | 96    | _____                               | Ditto            |
| John and James | 108   | _____                               | De Bray          |
| Alfred         | 135   | { S. Baker,<br>Horsly Down          | _____            |
| Benjamin       | 162   | { Grant, Bishops-<br>gate-street    | _____            |
| Douglas        | 241   | _____                               | T. Dunkin        |
| Betsy          | 188   | { Heath, Horsly-<br>down            | _____            |
| Severn         | 123   | { W. Gunner,<br>Black Lion,         | _____            |
| Martin         | 111   | { Morgan's-lane<br>Captain on board | _____            |
| Lion           | 91    | _____                               | Hilard           |
| Polly          | 137   | _____                               | Garratt          |
| Thetis         | 180   | _____                               | Ditto            |
| Cupid          | 170   | _____                               | Ditto            |
| Charlotte      | 60    | _____                               | Ditto            |
| Salem          | 116   | { Busher, St. Ca-<br>therine's      | _____            |
| Amazon         | 160   | { M'Claer,<br>Minories              | _____            |
| Belisarius     | 115   | Captain on board                    | _____            |
| Betsy          | 220   | Potts                               | _____            |
| Vigilant       | 190   | _____                               | Beatson          |



| Ships Names.                | Tons. | Owners Names.               | Brokers.                 | APPENDIX                                                                          |
|-----------------------------|-------|-----------------------------|--------------------------|-----------------------------------------------------------------------------------|
|                             |       |                             |                          | I                                                                                 |
| William                     | 283   | _____                       | Dowson                   |  |
| Nancy                       | 200   | _____                       | Kemp, St.                |                                                                                   |
| Eliza                       | 116   | _____                       | Catherine's              |                                                                                   |
| Walsingham                  | 561   | R. Holbert                  | Garratt                  |                                                                                   |
| Fortuna                     | 700   | Rowcroft                    | _____                    |                                                                                   |
| Dublin                      | 786   | G. Frith                    | _____                    |                                                                                   |
| Thames                      | 695   | Hibback                     | _____                    |                                                                                   |
| St. Jago                    | 600   | P. Mestaer                  | _____                    |                                                                                   |
| Experiment                  | 140   | Ditto                       | _____                    |                                                                                   |
| Adeona                      | 200   | Ditto                       | _____                    |                                                                                   |
| Constantine                 | 250   | Ditto                       | _____                    |                                                                                   |
| John                        | 300   | Ditto                       | _____                    |                                                                                   |
| Golden Grove                | 240   | Stains                      | _____                    |                                                                                   |
| Union                       | 260   | _____                       | Garratt                  |                                                                                   |
| Minerva                     | 260   | Blight                      | _____                    |                                                                                   |
| Friendship                  | 50    | _____                       | Garratt                  |                                                                                   |
| Santa Margareta             | 250.  | _____                       | G. French                |                                                                                   |
| Enterprize                  | 320   | _____                       | Dowson                   |                                                                                   |
| Abigail                     | 250   | _____                       | T. Duncan                |                                                                                   |
| Victory                     | 224   | Faith                       | _____                    |                                                                                   |
| Rosaria                     | 240   | Ditto                       | _____                    |                                                                                   |
| Earl Spencer                | 139   | _____                       | Baker and Son            |                                                                                   |
| Barbara                     | 90    | _____                       | T. Duncan                |                                                                                   |
| Blandford                   | 214   | _____                       | Sam. Barbe and<br>Green. |                                                                                   |
| Hero                        | 349   | _____                       | Gardiner & Co.           |                                                                                   |
| Britannia                   | 125   | _____                       | Ditto                    |                                                                                   |
| Birnea                      | 256   | _____                       | Ditto                    |                                                                                   |
| Thomas                      | 365   | _____                       | Ditto                    |                                                                                   |
| A schooner                  | 90    | _____                       | _____                    |                                                                                   |
| Rebecca                     | 156   | _____                       | Pitt                     |                                                                                   |
| Mary                        | 180   | C. Gale                     | _____                    |                                                                                   |
| Andromeda                   | 300   | _____                       | S. Barbe & Co.           |                                                                                   |
| Countess of<br>Lauderdale } | 230   | _____                       | W. Johnson               |                                                                                   |
| London Packet               | 200   | Toone                       | _____                    |                                                                                   |
| Olive Branch                | 109   | Ayles                       | _____                    |                                                                                   |
| Rachael                     | 45    | { Captain,<br>Church-stairs | _____                    |                                                                                   |
| Four Friends                | 86    | A. Higgins                  | _____                    |                                                                                   |
| Ceres                       | 82    | _____                       | Garratt                  |                                                                                   |
| Duke of York                | 46    | _____                       | P. Bloom                 |                                                                                   |



## APPENDIX

## I.

| Ships Names.                | Tons. | Owners Names.                                         | Brokers.         |
|-----------------------------|-------|-------------------------------------------------------|------------------|
| Anna Dorothy                | 60    | { Houghton,<br>Queen-street<br>Jennings, Bell<br>Dock | _____            |
| Young Edward                | 54    | { Jennings, Bell<br>Dock                              | _____            |
| Mary                        | 140   | _____                                                 | Dowson           |
| Maria                       | 77    | _____                                                 | Garratt          |
| Atty                        | 185   | _____                                                 | S. Barbe and Co. |
| Maria                       | 220   | _____                                                 | Wathum           |
| Glory                       | 24    | Whaley                                                | _____            |
| Bilboa                      | 108   | _____                                                 | Hopkins and Co.  |
| Friendship                  | 140   | _____                                                 | Beatson          |
| Vigilante                   | 155   | Oldfield                                              | _____            |
| Spanish B. G.               | 150   | Woolcome                                              | _____            |
| Bruiser                     | 200   | Young                                                 | _____            |
| Schooner                    | 40    | Ditto                                                 | _____            |
| Cangaroon                   | 250   | Frusk                                                 | _____            |
| Haughty                     | 150   | Ditto                                                 | _____            |
| Flamer                      | 150   | Ditto                                                 | _____            |
| Mactor                      | 160   | Guillaum                                              | _____            |
| Fortuna                     | 70    | Ditto                                                 | _____            |
| Lord Nelson                 | 52    | { Overstall,<br>Wapping                               | _____            |
| Selby                       | 330   | Cox and Curling                                       | _____            |
| Fortune                     | 492   | Curtis and Co.                                        | _____            |
| Diana                       | 626   | P. Mestaer                                            | _____            |
| Eldon                       | 588   | _____                                                 | Rowcroft         |
| Vulture                     | 300   | _____                                                 | S. Barbe and Co. |
| Harriett                    | 378   | T. Brown                                              | _____            |
| Castle Douglas              | 304   | _____                                                 | Hopkins and Co.  |
| John                        | 350   | Maether                                               | _____            |
| Ferrett                     | 102   | Tomlinson                                             | _____            |
| Laird                       | 269   | S. Barbe and Co.                                      | _____            |
| Lord Nelson                 | 401   | W. Towers                                             | _____            |
| Sea Nymph                   | 302   | Braddick                                              | _____            |
| Crown Prince                | 1000  | _____                                                 | T. Blacket       |
| Narcissus                   | 100   | Nicholson & Son                                       | _____            |
| Herondel                    | 166   | Ditto                                                 | _____            |
| Wm. Beckford                | 405   | Calvert                                               | _____            |
| Dart                        | 173   | _____                                                 | Hopkins and Co.  |
| Jane M <sup>c</sup> Pherson | 148   | _____                                                 | Garratt          |
| Adventure                   | 112   | Dodds                                                 | _____            |
| Friendship                  | 140   | Olivera                                               | _____            |
| Favourite                   | 273   | _____                                                 | Garratt          |



| Ships Names.   | Tons. | Owners Names.   | Brokers.         |
|----------------|-------|-----------------|------------------|
| Minerva        | 368   | T. Davison      | _____            |
| Experiment     | 568   | _____           | S. Barbe and Co. |
| Eliza          | 353   | Potts and Co.   | _____            |
| Jackson        | 226   | T. and R. Brown | _____            |
| Fortune        | 80    | _____           | Garratt          |
| Ocean          | 400   | Bird and Co.    | _____            |
| Eclipse        | 112   | _____           | French           |
| Eagle          | 45    | _____           | Ditto            |
| Betsy          | 50    | _____           | Ditto            |
| Sprightly      | 170   | _____           | Garratt          |
| Weymouth Lass  | 90    | _____           | Ditto            |
| Goldfinch      | 154   | Manson          | _____            |
| Lord Duncan    | 145   | _____           | Beatson          |
| Caroline       | 620   | Hayman          | _____            |
| Glory          | 540   | Blackett        | _____            |
| City of London | 383   | _____           | J. Loyal         |
| 14092          |       |                 |                  |



# No. II.

*An Account of the French and Foreign Tonnage, including their repeated voyages, which entered upwards in the respective Ports of the Kingdom of France from Foreign Parts in 1787, immediately preceding the Revolution, compared with an Account made upon similar principles of the Tonnage of Great Britain in the Year 1790.*

| FRANCE.         |                  |                |                                                                                              | GREAT BRITAIN.   |                  |                |  |
|-----------------|------------------|----------------|----------------------------------------------------------------------------------------------|------------------|------------------|----------------|--|
| French tonnage. | Foreign tonnage. | Total tonnage. |                                                                                              | British tonnage. | Foreign tonnage. | Total tonnage. |  |
| 10,352          | 169,330          | 179,682        | Denmark, Norway, Russia, Sweden, Poland, Prussia, and Germany,                               | 442,727          | 173,176          | 615,903        |  |
| 3,743           | 74,471           | 78,214         | - Holland,                                                                                   | 122,924          | 37,758           | 160,682        |  |
| 9,376           | 78,187           | 87,563         | Intercourse between Great Britain and France,                                                | 104,917          | 12,798           | 117,715        |  |
| 83,510          | 83,680           | 167,190        | - Spain, Portugal, and Italy,                                                                | 118,657          | 5,436            | 124,093        |  |
| 43,058          | 2,227            | 45,285         | - The Levant and States of Barbary,                                                          | 6,934            |                  | 6,934          |  |
| 3,720           |                  | 3,720          | - Greenland,                                                                                 | 35,257           |                  | 35,257         |  |
| 45,124          |                  | 45,124         | - Africa, the Isles of France and Bourbon,                                                   | 28,300           |                  | 28,300         |  |
| 6,667           |                  | 6,667          | - East Indies and China,                                                                     | 27,162           |                  | 27,162         |  |
| 2,690           | 19,581           | 22,271         | - States of America,                                                                         | 63,727           | 45,235           | 108,962        |  |
| 164,081         |                  | 164,081        | British and French Plantations in the West Indies,                                           | 147,955          |                  | 147,955        |  |
| 53,800          |                  | 53,800         | Newfoundland fishery,                                                                        | 49,514           |                  | 49,514         |  |
|                 |                  |                | Colonies on the continent of America belonging to Great Britain }<br>and France, - - - - - } | 27,992           |                  | 27,992         |  |
|                 |                  |                | Ireland and the Isles of Guernsey, Jersey, and Man,                                          | 341,080          | 2,512            | 343,592        |  |
|                 |                  |                | Southern Whale Fishery, - - - - - }                                                          | 10,121           |                  | 10,121         |  |
| 426,121         | 42,240           | 468,361        | Total of the foreign trade.                                                                  | 1,527,267        | 276,915          | 1,804,182      |  |



## No. III.

*The following Extract is from authority, at least,  
as respectable as any within the province of  
Nova Scotia.*

Halifax, Nova Scotia, 1st Feb. 1806.

It has been, erroneously, supposed that, grain and Indian corn did not prosper in Nova Scotia. The contrary is, however, incontrovertibly proved, by the experience of more than ten years last past, within my own observation. Every sort of corn grows here, in as good crops, quality, certainty, and with as little, if not less expense, as in the States of New York or New England. This market is abundantly supplied with beef, mutton, veal, poultry, butter, and cheese, excellent in quality, and at the same, or rather less prices, than at Boston or New York; although the military and naval establishments, and the prisoners of war, are, principally, subsisted from our produce, and considerable quantities exported to Newfoundland and the West Indies. Pork, is raised here with great profit, and will soon become a valuable addition to our market. This year, about two thousand well fatted hogs are prepared. There are now in the country more than fifteen hundred horses, fit for the West Indies, and not wanted for labour here. But, at present, there are not vessels in which to export them. Two or three small cargoes, only, find their way to market, are much approved, and afford good prices, when they do not meet foreign Americans at the market. Hence, it is evident that, our fisheries will receive an essential support in the

APPENDIX

3.



APPENDIX 3. great article of provisions, and, I am persuaded that, if proper encouragements be proposed, the British colonies will amply supply the British West India colonies, with fish and lumber, at a moderate price, and furnish an immense quantity of corn, bread, butter, cheese, pork, and other provisions, as well as horses and mules.

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#### No. IV.

*Extract of a Letter from Mr. D'Anseville, formerly Governor of the Islands of Saint Pierre and Miquelon, situated on the Banks of Newfoundland.*

APPENDIX 4. COMME j'ai été chargé d'étendre autant que possible cette branche de Commerce, il me suffit d'exposer les moyens que j'ai employé pour y parvenir, afin que la Committée puisse adopter ceux qui seront le plus à sa convenance.

La premiere Année que je pris charge de cette besogne, il y eut très peu de batiments employés à cette pêche, mais comme ils réussirent parfaitement, cela engagea les commerçants d'Europe à en envoyer un plus grand nombre l'année suivante, et ce nombre augmenta d'année en année tant qu'ils trouvèrent à se défaire avantageusement de leur poisson, mais lorsque par la quantité de vaisseaux, la pêche surpassa les besoins d'Europe, il fallut chercher un débouché aux Antilles et entrer en concurrence avec les Americains, qui approvisionnoient les îles; il fallut vendre le poisson à bon marché parceque les Americains, qui en



faisoient la pêche et l'exportation à très peu de frais. APPENDIX pouvoient s'en défaire à bon marché, ou bien il fallut attendre un temps favorable pour la vente, et ils cou- 4. roient les risques de voir leur cargaison corrompue par la grande chaleur, ce qui dégouta entièrement les commerçants d'envoyer les batiments dans les îles, et par suite d'en envoyer un si grand nombre à la pêche.

C'est alors qu'il me fallut, pour ranimer le zèle des commerçants, chercher les moyens de détruire les obstacles qui s'opposaient à leur succès ; et je n'en trou- vai point de plus efficace, que de tacher d'obtenir du gouvernement une prime, qui pût, au moins les mettre de pair avec les Americains, pour la vente de leur pois- son, car il eut été très imprudent d'exclure entièrement les Americains de ces îles, dans la crainte, que quelqu' effort qui fissent les Negoçians François pour les appro- visionner, ils n'y pussent souffrir, au moins les premières années. D'ailleurs les mêmes Americains pouvoient aider au Gouvernement François à payer la prime en question, par le moyen d'un impôt qui seroit mis sur le poisson, qu'ils porteroient dans ces îles.

Je me décidai donc à passer en France, pour m'abou- cher avec les négociants de chaque ville maritime qui avoit coutume d'envoyer à cette pêche, et après m'être assuré de leur bonne volonté en cas que je pusse réussir à obtenir une prime, je fus trouver le Ministre, qui non seulement adhéra aux propositions que je lui fis, mais m'accorda même plus que je ne m'y attendois. Car j'étois convenu avec les negoçians qu'ils se conten- teroient d'une prime de huit à dix francs par quintal de morue \* marchande, et le ministre en accorda douze pour chaque quintal qui seroit portée aux Antilles, et

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\* La morue marchande est celle qui a toutes les qua- lités requises pour être transportée aux îles, sans se gater ; Il y avoient des experts nommés pour la visite de la morue.



**APPENDIX** 4. huit pour celle qui seroit portée en Espagne ; à condition que chaque Capitaine seroit porteur d'un certificat de moi, comme cette morue avoit été pechée par des batiments Français, et séchée sur les îles St. Pierre et Miquelon. Et il consentit en outre à mettre un impôt de huit francs par quintal, sur celle qui seroit portée aux Antilles par les Americains.

D'ailleurs, comme les vues du Ministre ne se bor- noient pas à l'interêt seul du commerce, et qu'il avoit à cœur de former de bons matelots pour les Escadres, il consentit à payer aux négociants une certaine somme par chaque homme, au de la d'un nombre convenu, qu'ils envoyeroient à la pêche.

Et pour attirer dans mes îles le plus de monde possible pour y faire la pêche sedentaire, laquelle se faisoient en chaloupes ou en petits batteaux plats, ce qui formoit des matelots intrépides, il m'autorisa à avoir au depens du Gouvernement un Magasin fourni de toutes les utensiles necessaires à la pêche et des commes- tibles pour en aider, à titre d'avance, ceux qui seroient dans le besoin, et qui pourroient les rembourser après la pêche au titre de charité pour les veuves dont les maris perissoient à la pêche, ou pour ceux que quelque malheur rendoit insolubles, ce qui n'arrivoit que trop souvent.

Vous jugez, Monsieur, que de pareils encouragements étoient bien capables de ranimer la zèle des commer- çants, aussi envoyèrent-ils dès l'année suivante, le dou- ble des batiments, qu'ils avoient coutume d'envoyer, et ils seroient parvenus en peu de tems à être les seuls fournisseurs de nos Antilles, s'ils n'eussent été arrêtés dans leurs opérations, par cette malheureuse revolution qui a tout détruit. Car les Americains qui croyoient que le Gouvernement Français se laisseroit bientôt de payer une aussi forte prime, continuèrent d'abord de porter une aussi grande quantité de poisson, que les



années précédentes, malgré l'impôt qu'ils seroient APPENDIX  
obligés de payer. 4.

Mais dès qu'ils s'aperçurent que plus ils portoient plus ils aidoient au gouvernement de payer cette prime, au point que la somme provénue de l'impôt égaloit presque cette nécessaire pour la prime, ils commençoient à se relantir, et ils eussent été bientôt degoutés entièrement de ce commerce, sans la malheureux catastrophe, qui les a remis dans leur première position.

Dartmouth, 29th 9bre, 1805.

*A Monsieur*

*Monsieur Sabatier.*

No. V.

*To the Right Hon. Lord Hobart, one of His Majesty's Principal Secretaries of State, &c. &c.*

*The Memorial and Petition of the Merchants and other Inhabitants of New Brunswick,*

Humbly sheweth,

THAT after the settlement of this province by the APPENDIX  
American loyalists in the year 1783, its inhabitants early engaged in endeavouring to supply with fish and lumber the British possessions in the West Indies, and by their exertions they had, within the first ten years, built ninety-three square rigged vessels, and seventy-one sloops and schooners, which were principally employed in that trade. There was the most flattering prospect that this trade would have rapidly encreased, when the late war breaking out, the Governors of the 5.



West India islands admitted, by proclamation, the vessels of the United States of America to supply them with every thing they wanted; by which means the rising trade of this province has been materially injured, and the enterprising spirit of its inhabitants severely checked. For the citizens of the United States, having none of the evils of war to encounter, are not subject to the high rates of insurance on their vessels and cargoes, nor to the great advance in the wages of seamen, to which, by the imperious circumstances of the times, British subjects are unavoidably liable. And being admitted by proclamation, they are thereby exempt from a transient and parochial duty of two and a half to five per cent. exacted in the West India islands from British subjects.

Admission into the British ports in the West Indies having been once obtained by the Americans, their government has spared neither pains nor expense to increase their *fisheries*, so essential to that trade. By granting a bounty of nearly 20s. per ton on all vessels employed in the cod fishery, they have induced numbers to turn their attention to that business, and now the principal part of the cod fishery in the Bay of Fundy is engrossed by them.

The county of Charlotte being separated from the United States only by a navigable river, the Americans have, under the foregoing advantages, been enabled to carry off annually (to be reshipped for the West India market,) nearly three millions of feet of boards cut in that part of this province, and also a large proportion of the fish caught and cured by British subjects in the Bay of Passamaquoddy.

These discouraging circumstances have prevented the trade in fish and lumber from this province to the West Indies, from encreasing since the year 1793, and would



have totally annihilated it, had not the province possessed advantages in point of situation so favourable for that trade, as to enable its inhabitants to continue the establishments already made for that purpose. What those advantages are, your memorialists now beg leave to state to your Lordship.

The sea coast of this province abounds with cod and scale fish, and its rivers are annually visited by immense shoals of herrings, shad, and salmon. The numerous harbours along the coast are most conveniently situated for carrying on the cod fishery, which may be prosecuted to any extent imaginable. The herrings which frequent the rivers of this province are a species peculiarly adapted for the West India market ; being equally nutritious with the common herrings, and, possessed of a greater degree of firmness, they are capable of being kept longer in a warm climate. In such abundance are they annually to be found, that the quantity cured can only be limited by the insufficient number of hands employed in the business.

The interior of this province, as well as the parts bordering on the sea coast, <sup>are</sup> every where intersected by rivers, creeks, and lakes, on the margin of which, or at no great distance from them, the country for the most part is covered with inexhaustible forests of pine, spruce, birch, beech, maple, elm, fir, and other timber, proper for masts of any size, lumber, and ship building. The smaller rivers afford excellent situations for saw-mills, and every stream, by the melting of the snow in the spring, is rendered deep enough to float down the masts and lumber of every description, which the inhabitants have cut and brought to its banks, during the long and severe winters of this climate, when their agricultural pursuits are necessarily suspended. The lands in the interior of the province are



APPENDIX generally excellent, and where cleared, have proved very productive.



Great advances have not hitherto been made in agriculture for want of a sufficient number of inhabitants, yet within a few years there has remained, beyond our domestic supply, a considerable surplus in horses, salted provisions, and butter, for exportation. And your memorialists look forward with confidence to a rapid increase in the exports of those articles, for which the soil and climate of this country are well adapted.

Possessing so many local advantages, your memorialists feel themselves warranted in stating to your Lordship, that, were not the Americans admitted into the British ports in the West Indies, the fisheries of this and the neighbouring colonies, if duly encouraged, would, with the regular supply from the united kingdoms, furnish the British West India islands with all the fish they would require. And that in a few years the supply of lumber from this province, which already exceeds *ten millions* of feet annually, would, with the exception of staves only, be equal to the demand in the said islands. And your memorialists farther confidently state, that these provinces would furnish shipping sufficient to carry from the United States, all the flour, corn, and staves, which the British West Indies would stand in need of beyond what the Canadian provinces could furnish.

During the peace from 1783 to 1793, American vessels were not admitted into the British West India islands, (the whole trade of those islands being carried on during that period in British bottoms) and at no time have the supplies been more abundant or more reasonable. Were the Americans excluded from those islands, this and the neighbouring provinces could now furnish a much larger proportion than formerly of the supplies



required, and a rapid and progressive increase might annually be expected. But should the Americans obtain by treaty a right to participate in that trade, not only will the farther progress of improvement in this province be interrupted, but many of its most industrious inhabitants, unable to procure a subsistence here, will be urged to forego the blessings of the British constitution, to which they are most sincerely and zealously attached, and to seek for an establishment in the United States of America. That great advantages would result to the British nation from providing a sure and permanent supply of those essential articles for its West India islands, independent of foreign assistance, must be obvious. The inhabitants of those islands, forming commercial connexions only with their fellow subjects, would continue the more unalterably attached in their dutiful affection and loyalty to the parent state; and there would be the less reason to dread the consequences of any misunderstanding that might hereafter arise between Great Britain and the United States of America. The introduction into the West Indies of contraband articles, particularly teas, and all kinds of East India manufactures, (a traffic which the Americans now carry on to an enormous extent) would thereby be checked, and the whole benefit of the trade of those islands secured to British subjects. If thus aided and supported against the views of the Americans, the trade of these northern provinces would speedily acquire new and increasing vigour, and (which may be an important consideration,) soon render them valuable nurseries of seamen for the British navy, that grand security to the commerce and prosperity of his Majesty's kingdoms and colonies.

Your memorialists therefore most humbly pray, &c.




## No. VI.

*To the Right Honorable Lord Hobart, one of His Majesty's principal Secretaries of State, &c. &c.*

*The Petition of the Merchants, and other Inhabitants of Halifax in the Province of Nova Scotia,*

Humbly sheweth,

APPENDIX 6.  THAT the trade of this province arises principally from the fish caught on its coasts, great quantities of which are exported annually by your petitioners to the West India islands. That in the pursuit of this commerce, your petitioners are rivalled by the citizens of the American States, to whom the ports of those islands are ever open, and who are exempt from duties and other expences to which your petitioners are liable. Your petitioners have heard, that in the existing negotiation, relative to the twelfth article of the treaty with America, the Americans aim at a further extension of their trade with the British West India islands, which, if obtained, would utterly ruin the already declining fisheries of the British colonies, whence the nation has long derived much wealth, and its navy a supply of hardy seamen.

That the coasts of this province, as well as the Gulph of St. Laurence, and the islands of Newfoundland and Cape Breton, abound with fish of the most valuable sorts, so that with encouragement these colonies would satisfy, to its utmost extent, the demand of the West India islands for dry and pickled fish.

Your petitioners, therefore, most humbly pray, that your Lordship, and his Majesty's other ministers, would



take the premises, and the annexed memorial into consideration, and would protect the trade and fisheries of his Majesty's subjects in these colonies, against the views of the Americans, by granting to the British colonists, the exclusive privilege of supplying their fellow subjects in the West Indies, with the article of fish caught on the coasts of North America.

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(Signed)

*William Sabatier.**William Smith.**George Grassie.**James Fraser.**William Lyon.*

Committee appointed by the Merchants,  
and other inhabitants of Halifax, Nova  
Scotia.

Halifax, Nova Scotia, March 23d, 1804.

*Memorial and Statement of the Case referred to  
in the annexed Petition.*

As every British Province and Island in these northern climates, is individually able to furnish the West India Islands with some essential article of consumption; which in whole, or in part, is deficient in others, the Petitioners, in the following statement, have extended their observations beyond the limits of the single Province in which they reside.

The West India Islands require to be supplied with the undermentioned articles, *viz.*

*From the fisheries*—Dried cod fish, barrel or pickled fish, *viz.* salmon, herring (of various species) and mackarel and oil.

*Forest*—Lumber, *viz.* squared timber, scantling, planks



APPENDIX      and boards, shingles, clapboards, hoops, and oak  
6.      staves.

*Agriculture*—Biscuits and flour, Indian corn and meal, pork, beef, butter, cheese, potatoes, and onions ; live stock, *viz.* horses, oxen, hogs, sheep and poultry.

*Mines*—Coals.

Of these articles, the following are produced by the several Colonies.—New Brunswick produces, in the greatest abundance, lumber of every kind, except oak staves; it yields already, many of the smaller articles which serve to complete a cargo, and its shores abound with various fish fit for pickling. Nova Scotia produces lumber of all sorts, except oak staves, but in a lesser degree than New Brunswick ; horses, oxen, sheep, and all the other productions of agriculture, except wheat and Indian corn ; the Eastern and Northern parts of the Province abound in coal, and its whole coast yields inexhaustible quantities of cod fish, and others fit for pickling.

Cape Breton and Prince Edward Islands ; the former yields coal in abundance, its fisheries are considerable ; but without dealing directly with the West Indies, they serve to increase the exports of Nova Scotia. Both these islands supply Newfoundland with cattle, and with due encouragement, would rival some of the more opulent colonies, in articles of agriculture ; their fisheries also may be greatly extended, as the whole circuit of these islands abound in fish.

Canada can supply any quantities of oak staves, as well as flour and Indian corn, for six months in the year. Newfoundland yields little lumber, but its trade in dried cod fish has hitherto, in a great measure, supplied all Europe and the West Indies, and it is capable of still greater extension.

The petitioners have therefore no hesitation in affirming, that these mother colonies are able to supply



the West Indies with dried fish, and every species of pickled fish, for their consumption ; and that at no very distant period they could also supply all the other articles herein before enumerated, except perhaps flour, Indian meal and corn, and oak staves.

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Having stated the foregoing facts, the petitioners beg leave to request the attention of his Majesty's ministers to the peculiar circumstances of this Province ; the permanent establishment of which took place about fifty-four years ago ; for previous to the settlement of Halifax, there were few inhabitants in it, and but little trade. The mother country, sensible of the favorable situation of this colony for fisheries, that its harbours are seldom more than a few miles from each other, and that its extensive sea coast teems every season with shoals of fish of the most useful sorts, made every effort to establish them. The fisheries, however, until the close of the American war, languished from one cause only—the want of inhabitants. The influx of inhabitants at that time, and since, has promoted industry and domestic comfort, and a race of people born on the soil have become attached to it. The clearing of the lands, and other causes, have improved the climate ; and by a late survey of the interior of the Province, it is discovered that the lands are not only better than had been imagined, but superior to the greater part of the rest of North America.

The present situation of this Province with regard to its trade, resembles that of New England at the close of the seventeenth century, and unless checked at this crisis, it has the most reasonable expectation of a more rapid increase than the latter ever experienced.

Encouraged by the prospect before them, and conscious of the abuses that have crept into the fisheries, the Petitioners are looking forward to the aid of the Provincial Legislature, and to other means for correcting



APPENDIX 6. those abuses ; and for establishing and improving the fisheries, that great source of wealth to the parent state, the colonial husbandman, and merchant ; but they perceive, with regret, that their efforts will prove ineffectual, unless the citizens of the United States, according to the ancient policy of Great Britain towards foreigners, are wholly or partially excluded from the islands, or a permanent equivalent is granted to the colonists.

The American Legislature has rejected the 12th Article of the late Treaty ; the citizens of the United States would have been excluded from the West Indies, if the Governors of those islands had not, under the plea of necessity, by proclamation, admitted them. In this trade the Americans possess the following advantages over the colonists.

First,—In the Islands of Barbadoes, Antigua, Saint Kitt's, and Jamaica, a stranger's duty of two and a half, or more, per cent. is imposed on imports, and in the Island of Saint Vincent, British subjects exclusively are subject to a duty of three per cent. which must be paid in specie, and to procure which a forced sale is frequently made of part of the cargo to great disadvantage. From this duty the Americans, being invited by proclamation, are exempt.

Second,—During the late and present war, the citizens of the United States, being neutrals, have not been burthened with the heavy charge of insurance against the enemy, which to the colonists has increased the premium ten per cent. to the smaller islands, and twelve and a half per cent. to Jamaica.

Third,—The Northern States have granted a bounty of near 20 shillings per ton, on vessels in their fisheries.

From those circumstances, so unavailing are the petitioners to contend with the Americans in the West India markets, that they derive greater advantage by selling their



fish at an inferior price in the United States ; whence the Americans re-export them to the West India Islands under the above-mentioned advantages, so as to make a profit even on their outward voyage.

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It is well known, and in an ample report made to Congress in the years 1790 and 1791, by the now President of the United States, then their Secretary of State, it was set forth, that the fisheries of New England were on the verge of ruin, and he recommended, what was afterwards adopted,—the grant of a bounty to counter-balance the disadvantages the trade then laboured under. At that period, the fisheries of Nova Scotia made a rapid increase, the whale fishery alone from the port of Halifax, consisted of twenty-eight sail of ships and brigs from 60 to 200 tons burthen ; but the succeeding war and other unfavourable circumstances soon destroyed this important branch of the fishery. By the aid of bounties from the State Legislature, the American fisheries recovered their former vigour, and are now carried on with great spirit, increasing their trade with the West Indies to an incredible extent ; considerable numbers of our best fishermen have emigrated from Newfoundland and this Province, to the United States, within a few months, and more are daily following them ; thus it appears evident, that a wise policy, steadily pursued, will preserve a sinking trade, and that this Province is not wanting in exertion, when favourable opportunities for it are offered.

Should the Americans obtain by treaty, an indulgence of their trade in fish with the West Indies, it will prove the ruin of that of the British Northern Colonies, and draw away from them their most industrious inhabitants. The Islands will then depend on Foreign States for supplies of all the articles before enumerated ; and if at any time hereafter differences should take place between Great Britain and the American States, from



APPENDIX 6. what quarter, it may be asked, are the Islands to obtain their supplies? the ruined trade and fisheries of those colonies may prove too late, the fatal policy of throwing into the hands of foreigners a trade, which, with a little encouragement, might have been almost, if not entirely, confined to British subjects.


From these considerations the justice and policy of giving encouragement to the Northern Colonies are evident. Should the stranger's duty, imposed in the Islands, be taken off; should a bounty equal to that granted by the State Legislature be allowed, and the present war succeeded by a peace, then may the West India Islands receive from these Colonies supplies of all kinds of dried or pickled fish on terms as advantageous as they are now furnished with them from a Foreign State. It is obvious that the Americans, and the West India planters, have a mutual interest in the free trade to the Islands, but the planters have no right to expect supplies from a neutral nation in time of war, merely because it affords them at a cheaper rate than the British Colonies; they should bear the inconveniences of war as well as their fellow subjects, who have been driven into these northern regions by their zealous loyalty in support of the happy constitution under which they now live. The supplies required by the Islands cannot greatly increase; while the Northern Colonies, from their great extent and growing population, will every year be more and more able to furnish those supplies. The Islands are, in a measure, limited in their extent; but the Northern Colonies are almost unbounded.

The inhabitants of those colonies have acquired their present condition, which at best is mediocrity, by a continued exertion of industry and frugality, under a climate and a soil, which yield their blessings to persevering exertion alone. The West India planters have



ever been in a different situation, and can afford to wait a reasonable time for the accomplishment of those expectations which are justly entertained by the colonists; in the interim, they ought to give a fair equivalent for the articles of which they stand in need, and not expect, at an inferior price, commodities whose value the impetuous circumstances of the times have tended to enhance. The northern colonists have struggled with all the difficulties incident to a young country, and they are now arrived at a period, when, if duly encouraged, they may be enabled to reap the fruits of their honest labour; but restricted in their trade to the Mediterranean by an ancient regulation, which obliges them to land their cargoes in some English European port, before they can proceed on homeward bound voyages, and burthened also in the manner here stated in their West India trade, the petitioners cannot contend with the Americans, but look forward with the most distressful prospects to means of procuring a future subsistence, unless his Majesty, in his goodness, shall be pleased to afford them protection and relief. They therefore anxiously hope, that the observations contained in this memorial may not appear unworthy of the attention of his Majesty's ministers, but that whatever temporary indulgences may be granted to the American citizens, the British colonists, agreeably to their former solicitations on that subject, may be permitted to return to America, without entering at any port in Great Britain.

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Halifax, Jan. 30, 1805.

My Lord,

WE the Committee of the merchants and inhabitants of Halifax, Nova Scotia, who presented to Lord Hobart, your Lordship's predecessor, a petition praying that the British colonists might have the exclusive right



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of supplying his Majesty's West India islands with fish, have lately seen, in print, a letter written to your Lordship by G. W. Jordan, Esq. Colonial Agent for Barbadoes, containing observations on our petition, and the memorial annexed to it ; we think it our duty, briefly to answer those observations, and to enforce the object of our petition.

Mr. Jordan's first remark is founded on a misconception or perversion of the allegation of the petitioners : we assert in our memorial " that in the islands of Barbadoes, Antigua, Saint Kitts, and Jamaica, a stranger's duty, of two and a half per cent. is imposed on imports, and, that in the island of Saint Vincent, British subjects, exclusively, are subject to a duty of three per cent. ;" no charge is therefore made, that the duty is not general in the island of Barbadoes ; the charge is clearly confined to the single island of St. Vincent.

We are not alarmed, my Lord, at the reference made by Mr. Jordan to papers which were not intended for his inspection, but for private information only ; since those papers contain no other facts than such as can be proved. The practice in the West India islands of keeping the ports always open to the Americans, amounts, in our apprehension, to the grant of a free trade ; and that goods of foreign manufacture are by these means introduced into the islands, no one who is at all acquainted with the character and practices of the American traders, can doubt. We lament that, even in these colonies, into whose ports no American vessels are admitted, except fishing vessels, which by treaty are allowed to resort to our coasts, such quantities of foreign goods do find admittance, that it is to be feared more than half the East India goods consumed in this province, is supplied from the neighbouring States of America.



We do not, as Mr. Jordan is pleased to assert, claim a right of selling our own commodities at our own prices in time of war ; but we contend that, when the article of fish is furnished from the northern colonies, in abundance, although increased in price by the war expenses, the West India colonists ought not, on that account, to require or permit the introduction of it from foreign states, and in foreign bottoms ; especially as the fish is generally paid for in the produce of the islands, of which the planters take care to raise the price in proportion. That these northern colonies can supply the islands with their whole consumption of fish, and at reasonable prices, can be easily proved, and that they are, therefore, entitled to do so, *exclusively*, Mr. Jordan himself admits.

The right of the West India colonists to obtain from the American States all articles of the first necessity, which they cannot adequately obtain from the dominions of Great Britain, is not disputed by us ; but we assert that the article of fish can be adequately obtained from the British colonies. That the allowing supplies to be imported in American bottoms has been destructive to the British carrying trade, has been lately demonstrated by a very able writer on the subject ; and that the indulgencies granted to the Americans have injured the fisheries, and greatly reduced the tonnage and seamen employed in these colonies, we can assert from our own sad experience. An inspection into the imports and exports of the island of Jamaica for one year, as laid before their House of Assembly, and published in the Jamaica almanack for the last year, will shew how large a portion of the West India carrying trade is engrossed by the Americans.

If, my Lord, we have stated in our memorial that it is, now, more advantageous for the merchants of this colony, to dispose of their fish in the United States, than



APPENDIX 6. to send it to the West India islands,—we have made it a subject of complaint ; and at the same time have set forth the reasons why the Americans rival us in that trade. Were our commerce with the islands placed on a fair foundation, the same British ships would convey our fish thither, which now carry it to the American markets. But burdened as that trade is with insurance against the enemy, and confined as it is, and ought to be, to a fair dealing in legitimate merchandize, we contend in those ports with the Americans at every disadvantage.

Had Mr. Jordan *fairly* observed on our petition and memorial, he would not have asserted that the positive affirmation in the former, “ that these provinces can “ supply the West Indies with fish,” was shaken by a subsequent observation, “ that, under certain circumstances, the trade and fisheries of these colonies would “ be ruined, which, with encouragement, might be “ almost, if not entirely confined to British subjects.” The observation refers expressly to the trade in *all* the articles enumerated in the memorial ; the affirmation is confined to the single article of fish. One reading of the paragraph referred to, will entirely refute Mr. Jordan’s remark.

Having, already, my Lord, observed that the increase of the price of fish occasioned by war, is no just ground for the introduction of that article, from foreign ports, and in foreign vessels, we shall not follow Mr. Jordan in the curious inference he undertakes to draw from our admission that in war time the Americans can under-sell us in fish. So little are we disposed to require an extravagant price for our fish, that we most readily would accede to Mr. Jordan’s proposal, of fixing the maximum price of cod fish at eight dollars in time of war. And, indeed, could we obtain even three fourths of that price, generally, during the war, the



fisheries would soon flourish again, and the islands be APPENDIX  
at all times amply supplied with fish. 6.

On the two facts with which Mr. Jordan closes his observations, we shall only remark that the former is conceded by us as to the flour and grain imported into Nova Scotia from the United States ; and it is perfectly consistent with our memorial, in which we confess that *this province* is deficient in the articles of wheat and corn. The other fact we must dispute, and although we are not provided with documents to ascertain the tonnage employed between the British North American provinces and the West India Islands for the particular year 1791, yet we are furnished with returns of the tonnage employed in the trade to and from the West India islands for the year 1792, and entered at the Custom House in Halifax, being for one only of the two districts into which this province is divided, and which we beg leave to insert as follows,

| 1792             | Outwards.            | Inwards.                 |
|------------------|----------------------|--------------------------|
| Spring quarter,  | - 886                | - 719                    |
| Midsummer ditto, | - 1436 $\frac{1}{2}$ | - 3605                   |
| Michaelmas ditto | - 2397               | - 385                    |
| Christmas ditto, | - 1770               | - 1862 $\frac{1}{4}$     |
|                  | <hr/>                | <hr/>                    |
| Tons,            | 6489 $\frac{1}{2}$   | Tons, 6571 $\frac{1}{4}$ |
|                  | <hr/>                | <hr/>                    |

It is, therefore, incredible that in the year 1791 only 4837 tons were employed in the trade between all the British northern provinces, and the West India islands, when, in the subsequent year, it appears by an authentic return, that in one district, of one province, upwards of six thousand tons were actually engaged in that commerce.

Here, my Lord, we conclude our observations on



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Mr. Jordan's Letter, nor shall we presume to intrude on your Lordship's patience further than to state one fact which must demonstrate the efficiency of the British colonies, or at least of British shipping, to supply the demands of the West India markets. From the year 1785 to the year 1794 American ships were excluded from the West India islands, yet they were during that period so well provided with articles of the first necessity, that ships from these colonies were frequently unable to find a sale for their cargoes in our own islands, and were obliged to resort to foreign islands for a market. By returns collected from the merchants of this province, engaged in the West India trade, we find that the prices obtained by them for cod fish from the year 1785 to the year 1792 inclusive, never exceeded five dollars per quintal; and sometimes fell short of half that sum. In the year 1793 we meet with a single instance of cod fish selling for six dollars, but the common price, even in that first year of the war, was not more than three and a half dollars per quintal. The cheapness, therefore, of this article, clearly proves the abundance of it in the West India Islands, and consequently that the allowing the Americans to import fish in American ships, was not a measure of necessity.

We have the honour to be, with the greatest respect,

Your Lordship's

Most obedient and most humble servants,

(Signed)

*William Sabatier,*

*William Smith.*

*George Grassie.*

*James Fraser, and*

*William Lyon.*

*The Right Hon. Lord Camden,*

*&c. &c. &c.*



## No. VII.

*To His Honor Lieutenant General George Nugent, Lieutenant Governor and Commander in Chief, &c. &c.*

*The Memorial of the undersigned, a portion of the Merchants of this City, (Kingston,) in behalf of themselves and their Constituents in the United Kingdom of Great Britain and Ireland, and the British American Colonies,*

WHO beg leave to state that, in the event of the Order of your Honor and Council of 21st November last, being rescinded, and the ports again laid open to the free importation from the United States, in their own bottoms, of the articles of salted beef, pork, butter, dry and pickled fish, it will prove extremely prejudicial to your Memorialists Constituents, as well as the Irish provision merchants and graziers in general, and the British American fisheries, who have it amply in their power to furnish this, and the other British dependencies in the West Indies, with the most abundant supplies of these necessary articles of life, and at moderate prices, if properly encouraged and firm assurances given, that they will not have to compete with a rival nation, whose mercantile speculations are seldom governed by any fixed rules.

Nor does there appear to your Memorialists, any necessity for the measure, there being no scarcity of these articles, and considerable supplies daily looked for ; indeed, so overstocked is the market with these species of provisions, that sales of them cannot be effected at cost and charges ; and it is also a melancholy

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APPENDIX fact, which cannot be controverted, that many respectable Irish houses have recently become bankrupts, in consequence of losses sustained by them in their shipments of these articles to the West Indies.

7.

Your Memorialists beg further to state, from the authority of their correspondents, that representations have of late been transmitted to his Majesty's Ministers from the cities of Dublin, Cork, Waterford, Limerick, Newry, and Belfast, stating, that in case of the ports being again opened, that the importation of the articles herein enumerated should not be admitted in neutral bottoms; but the result was not made public at the time of the sailing of last packet.

Your Memorialists therefore pray, that your Honor will take these matters into your consideration, and act therein, as to your judgment shall seem meet.

(Signed)

*Henry West and Co. Shaw, Inglis, and Mills,  
James Amoss. N. Williamson. Smith, Huie  
and Co. Joseph Donnel. H. Ewing. A.  
M'Culloch. J. Haggart. Thomas Clifton.  
M'Caa and Walker. Cronnan, Harris and Co.  
Thomas Cuming. James Keene. Ross and  
Caldwell. James Harnet. W. Harrington.  
W. Carter. Joseph Longmore. J. Jones.  
James Howie. Munro and Hance. Moffat  
and Alexander. Thomas Usher and Co. Robert  
Murray. Auchie, Miller and Co. Wardle,  
Blease and Co. G. Hindmarsh and Co. Wm.  
Hoseason. Edward Coxwell. A. Holt. John  
Fox. Alex. M'Bean and Co. Arch. Cur-  
rie. Don Campbell. Stewart and Wood. John  
West and Co. Burrows and Fowles. Purcell  
and Pacifico. Knox and Herdman. Nathan  
Herdman. Hamilton and Collier. John Grant.  
Joseph Augilar, jun. Ben. Dias Fernandes.  
Reberio, Son and Co. Alex. Brodie. Wm.  
Bryan. Ewing, Ritchie and Co. Ferguson  
and Co.*



(Answer.)

King's House, May 19th, 1825.

Gentlemen,

I HAVE paid due attention to the subject of your memorial, and have determined in issuing my Proclamation, to permit the importation of lumber and provisions, in American bottoms, from the United States ; to limit the latter to certain articles of provisions therein enumerated, which are so much required in Jamaica, and which will not interfere with such articles as are imported into the Island from Great Britain and Ireland.

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(Signed)

G. Nugent.

*Merchants of Kingston, &c. &c.*

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No. VIII.

JAMAICA, ff.

*By his Honor George Nugent, Esquire,  
&c. &c. &c.*

A PROCLAMATION.

WHEREAS, it appears by the memorials and returns from sundry parishes, that there is at present a very general scarcity throughout the Island of American provisions and lumber, and that a real and urgent necessity exists for my exercising the discretionary power vested in me by His Majesty, relative to the intercourse between this colony and the United States of America ; I do

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therefore issue this my Proclamation, permitting for the space of six months, to be computed from this date, the free importation of flour, corn, corn meal, bread, rice, pease, beans, and lumber of every description, in vessels belonging to Neutral and other States in amity with Great Britain, upon the like terms, charges, and conditions, and subject to the same rules, regulations, visitations, and searches, as are observed with respect to British vessels in the like cases.

And I do hereby also permit all vessels, importing the foregoing articles, under the authority of this Proclamation, to export from hence rum and molasses from any port or ports, place or places, of this Island, upon the like terms, stipulations, charges, and conditions as are observed with respect to British vessels in the like cases. And in case any person or persons importing provisions or lumber to this Island, under the authority of this Proclamation, shall attempt to introduce any other articles than are therein particularly enumerated, measures will be immediately adopted for the forfeiture of the ship or vessels and cargo, so contravening the Laws of Navigation.

Given under my hand and seal at arms, at St.  
Jago De La Vega, this twentieth day of  
May, in the year of Our Lord 1805, and of  
His Majesty's reign the forty-fifth.

(Signed)

*G. Nugent.*

By His Honor's command,

(Signed) *H. Cathcart, Secretary.*



## No. IX.

*To His Honor George Nugent, Esq. Lieutenant Governor and Commander in Chief in and over the Island of Jamaica and the Territories thereon depending in America, &c. &c. &c.*

*The Memorial of the undersigned Merchants of Kingston.*

May it please your Honor,

WHEN upon a former occasion we had the honor of ADDRESSING you upon the subject of the intercourse between this Island and the United States of America, we stated from a conviction impressed upon our minds from the best sources of information in our power to obtain, that sound policy dictated that their vessels should be interdicted from introducing into our colonies either salted provisions, dry, or pickled fish, as the mother country and her dependencies in America were amply competent to furnish us with adequate supplies of those articles, and at moderate prices, if proper assurances were held out to them that they should have no rival neutrals to contend with. And by your Honor's Proclamation, bearing date the twentieth day of May last, regulating the said intercourse for the space of six months, enumerating the articles permitted to be imported in neutrals, we found those abovementioned not of the number. —We therefore did not expect so soon to be compelled to trouble you with any further remarks relative thereto; but we find ourselves reluctantly obliged to come forward in consequence of certain representations made to



## APPENDIX

9.

your Honor by the Honorable the House of Assembly under date of the tenth of July, containing observations, reasonings, and conclusions, in which we can by no means acquiesce. They appear to set out upon the general principle that the very existence of the colony depends upon a free importation from the United States of America, in foreign vessels, of salted provisions and fish; that the mother country and her remaining American colonies are unequal and unable to furnish the supplies wanted; that an alarming scarcity existed from the loss of the Cork convoy under the Apollo frigate, and the failure of the herring fisheries on the coasts of Ireland and Scotland; that from the twentieth of May to the 10th July, only one solitary arrival from British America has entered at the custom-house here, and further that, in the same short space the interdiction of the importation of salted beef from America had raised the price of fresh beef from 1s. 3d. to 1s. 8d. per pound; and lastly, they hope "that the comfortable subsistence of all the lower orders of the community and the lives of their slaves, will not be sacrificed to the interested misrepresentations, and for the advantage of selfish individuals, who look only to the profits of their speculations, without regard to their effect on the general interest." To the first we can only repeat what we have already stated in the early part of this address, that we still continue to have the fullest conviction in our minds derived from the best sources of information in our power to obtain, that the United Kingdom and her remaining American colonies have the means in their power of amply supplying the whole of the British West Indies with salted provisions, dry and pickled fish in the greatest abundance, and at fair prices, if the vessels of the United States of America were wholly excluded from importing these articles,



and of which our own colonists only want an equitable trial to be extended to them for a reasonable given time to prove their capability of performing what we here assert in their behalf ; and if after that, they fail, we no longer advocate their cause : And we consider it would promote the general interest of the empire at large, that such experiment should be made, as we conceive the trade with the United States in their vessels ought to be no further encouraged than necessity requires, as it operates very much to the prejudice of the colonies in general, for in return for their cargoes the greater proportion of their proceeds are carried away in specie. Nor do we consider it good policy to make ourselves dependent upon foreigners for staple articles of life, when by proper regulations we can be supplied by fellow subjects. Besides we consider it no more than an act of common justice to the settlers of Nova Scotia and New Brunswick, many of whom are American loyalists, who have sacrificed their all from their attachment to their King and country, and who began the world anew in, at the time, an almost uninhabited wilderness, that every preference should be given to their products, and means used to promote their views and interest, if they can supply us with the whole or any part of those articles necessary for our subsistence, on nearly the same terms as their late American fellow subjects. Next, as to an alarming and general scarcity ; to this we answer so far as relates to salted provisions, that at the time these representations were made, long prior thereto, and up to the present day, the Kingston market was seldom or perhaps never more plentifully supplied, the prices have been extremely low, and sales unusually dull, as many of the holders and shippers can with propriety verify, having latterly sustained heavy loss in the sales of these particular articles. Nor is there any



APPENDIX 9. scarcity to be apprehended from the want of cattle in Ireland, for we are warranted in asserting that they now abound there in the greatest plenty. The unfortunate fate of a part of the Cork fleet under the Apollo frigate about eighteen months ago, and consequent loss of lives and property, no class of men more sincerely deplore than we do: But how this circumstance comes to be assigned as one of the causes of our present real or pretended scarcity, is to us incomprehensible. In our mode of reasoning it would appear that had these supplies arrived in their due course, they would have long since been consumed, or if not consumed would have been rendered in a great degree unserviceable, from the great length of time they would have lain in a warm climate. That the herring fisheries on the coast of Scotland and Ireland have of late years considerably fallen off, and also that a small portion of the orders from this country for that article have been executed, we readily admit; so here in two important points we are perfectly agreed, although our conclusions may be very different. Have the fisheries on the shores of British America failed? We answer no. Have those who have been disappointed in their supplies from the mother country, taken any steps to procure them through any other channel? We presume not, as they do not pretend to tell us so. Have they sent any orders to Nova Scotia, &c. where they *could* and *would* have been executed with avidity (for the same credit that can procure them from Great Britain could surely do so from any other part of her dominions) and at a much lower price than they have latterly been furnished at from home? But this we presume we may also answer in the negative, having never heard of any exertion on the part of the planting interest to replace the supplies of fish heretofore regularly imported from the mother country, (but which of



late years she could not amply furnish), otherwise than by placing almost their sole dependence for such articles on the uncertain arrivals from the United States, which have not of late, or for some months antecedent to the interdiction, flocked in upon them so profusely as heretofore. Hence it appears that if the “ comfortable “ subsistence of the lower orders of the community and “ the lives of their slaves have been at all put in “ jeopardy” (which we think has been sufficiently disproved) it is chargeable to their own negligence altogether, and cannot in any way apply to the measures adopted by the government. Besides, *has any scarcity really existed* ; and does famine with all its direful consequences stare us in the face ? We must be permitted again to answer in the negative. The question of there being no want of salted provisions, we hope we have satisfactorily proved ; and as to the article of fish, we shall state what has come under our own observations in this market, as being more immediately within our view : we know, that during the continuance of last martial law, and at a time when the most alarming scarcity was said to have prevailed, there was publicly sold, after due notice in the daily prints, no inconsiderable quantity of American herrings, at the reduced rate of twenty-five shillings currency, per barrel ; does this look as if there was the least dread of famine ? Surely not ; being hardly the original cost at the port of shipment in the United States, where every kind of provisions abound in the greatest plenty. Great stress appears to have been laid upon the one solitary arrival from British America, from the twentieth of May to the tenth of July, from which it is presumed, an inference is meant to be drawn that our colonists were totally inadequate or unable to furnish us with our necessary wants ; but would this be by any



APPENDIX means a fair conclusion? Was there time from the date of the proclamation, to send them notice that our markets for fish were open to Britons only, and for them to return with cargoes? By no means; double the time was barely sufficient. Besides, we do not consider that this can operate against them in the smallest degree; and for this plain reason, that it was not a season of the year when we had a right to expect such arrivals; for we wish it to be understood, that they have their regular seasons for catching and curing fish there, the same as other branches of commerce or of agriculture have here, or in any other part of the world. The representations go on further to state, that the interdiction of salted beef from America has already raised fresh beef here from one shilling and three pence, to one shilling and eight pence per pound. But by what mode of argument they may be able to make this out, it is difficult for us to foresee. Since the date of your proclamation, there has scarcely been a perceptible rise in the Irish salted beef; the very best prime planter's mess, may now be bought by the single barrel, or half barrel, at the rate of one shilling per pound, and inferior qualities proportionably low; now while this continues to be the case, that the price of fresh beef should start five pence per lb. all at once, while the price of salted has remained stationary, must, we conceive, arise from causes different from those assigned by the Honorable the House of Assembly, but which it is not our province to divine. Their remaining animadversions on this topic, as they do not appertain to us, or any thing we have said or written, we shall leave to wiser heads, and abler hands to comment upon, should they deem it proper. Their very liberal and complimentary concluding paragraph, copied verbatim in another part of this address, we shall



pass over in silence, and leave to the decision of those APPENDIX  
 whose minds may be unfettered with local prejudices, 9.  
 to say to whom the appellations therein contained, will  
 most fitly apply. Having thus submitted to your Honor,  
 our observations on the aforesaid representations, with  
 the freedom and frankness of Britons, and, we flatter  
 ourselves, with every due respect, we hope and trust  
 your Honor will take the same into your consideration,  
 and at some convenient period favor us with a reply.  
 We shall only obtrude upon your Honor by offering one  
 further remark ; should it ever so happen that this or  
 any of our sister islands are visited with any such cala-  
 mity as the said representations seem so much to dread,  
 (and which may heaven for ever avert !) we conceive it  
 more likely to arise from the perpetual applications of  
 the West India Assemblies, to their respective gover-  
 nors, to dispense with some one or other of the regula-  
 tions prescribed by his Majesty's ministers, than from  
 any other cause whatsoever ; for neutral states will not  
 venture to come amongst us from an apprehension of  
 the ports being shut against them ; and on the other hand  
 we are not likely to obtain plentiful supplies, either  
 from home, or from our own colonies ; nor can it be  
 expected that our merchants will turn their whole  
 energy and attention to this desirable end, while the  
 most distant prospect exists of the trade being again  
 opened.

Signed, by the fifty commercial houses, whose sig-  
 natures are affixed to the Memorial, Appen-  
 dix, No. VII.



## No. X.

*An Account of the Number of Foreign Ships which have cleared from the Ports of Newcastle and Sunderland with Coals from the 5th January, 1800, to the latest period to which the Account can be made up; and the Countries to which such Foreign Vessels respectively belonged, and to which they were respectively bound with such Cargoes of Coals.*

| Number of Ships with respect to the Country to which they belong. |      |      |      |                 |        | NEWCASTLE. | Number of Ships with respect to the Country to which bound. |      |      |      |                 |        |
|-------------------------------------------------------------------|------|------|------|-----------------|--------|------------|-------------------------------------------------------------|------|------|------|-----------------|--------|
| 1800                                                              | 1801 | 1802 | 1803 | 1804 to 28 June | Total. | Countries. | 1800                                                        | 1801 | 1802 | 1803 | 1804 to 28 June | Total. |
| —                                                                 | 1    | —    | —    | —               | 1      | America.   | —                                                           | —    | —    | —    | —               | —      |
| 62                                                                | 38   | 19   | 34   | 13              | 166    | Denmark.   | 58                                                          | 41   | 18   | 43   | 14              | 174    |
| 78                                                                | 121  | 15   | 37   | 30              | 281    | Germany.   | 62                                                          | 64   | 6    | 30   | 20              | 182    |
| —                                                                 | —    | —    | —    | —               | —      | Gibraltar. | 5                                                           | —    | —    | 2    | —               | 7      |
| —                                                                 | —    | 4    | 2    | —               | 6      | Holland.   | —                                                           | —    | 5    | 5    | —               | 10     |
| 106                                                               | 97   | 11   | 60   | 38              | 312    | Prussia.   | 122                                                         | 149  | 19   | 57   | 48              | 395    |
| —                                                                 | —    | —    | —    | 3               | 3      | Portugal.  | 4                                                           | 5    | —    | 1    | 6               | 16     |
| 1                                                                 | —    | —    | —    | —               | 1      | Russia.    | 2                                                           | —    | —    | —    | —               | 2      |
| —                                                                 | —    | —    | —    | —               | —      | Spain.     | —                                                           | —    | 1    | —    | —               | 1      |
| 26                                                                | 13   | 7    | 9    | 13              | 68     | Sweden.    | 20                                                          | 11   | 7    | 4    | 9               | 51     |
| 273                                                               | 270  | 56   | 142  | 97              | 838    | Total.     | 273                                                         | 270  | 56   | 142  | 97              | 838    |

| Number of Ships with respect to the Country to which they belong.             |      |      |      |                 |        | SUNDERLAND. | Number of Ships with respect to the Country to which bound. |      |      |      |                 |        |
|-------------------------------------------------------------------------------|------|------|------|-----------------|--------|-------------|-------------------------------------------------------------|------|------|------|-----------------|--------|
| 1800                                                                          | 1801 | 1802 | 1803 | 1804 to 28 June | Total. | Countries.  | 1800                                                        | 1801 | 1802 | 1803 | 1804 to 28 June | Total. |
| N.B. In the return from this Port the respective years are not distinguished. |      |      |      |                 |        | 24          | Denmark.                                                    |      |      |      |                 | 15     |
|                                                                               |      |      |      |                 |        | 65          | Germany.                                                    |      |      |      |                 | 40     |
|                                                                               |      |      |      |                 |        | —           | Holland.                                                    |      |      |      |                 | 1      |
|                                                                               |      |      |      |                 |        | 77          | Prussia.                                                    |      |      |      |                 | 112    |
|                                                                               |      |      |      |                 |        | 3           | Sweden.                                                     |      |      |      |                 | 1      |
|                                                                               |      |      |      |                 |        | 169         | Total.                                                      |      |      |      |                 | 169    |

Inspector General's Office,  
Custom-house, London,  
30th July, 1804.

(Signed)

William Irving,

Inspector General of the Imports  
and Exports of Great Britain.



## No. XI.

*Short Statement of the consequences arising from  
the participation of the American States in the  
trade of the East India Company.*

PREVIOUSLY to the close of the late war, the trade of the Dutch India Company was wholly in the hands of the Americans, who, from superior address and management, supported by British capital, were able to wrest from the Danes and Swedes, the share which they carried on.

APPENDIX  
II.

At the commencement of the present war, the Dutch India Company renewed their contracts in America, under which the trade of that Company is at this day supported. The Company fix the price at which all their colonial productions are exchanged at Batavia for silver, &c. ; at the same time, permission is given to export the manufactures of Holland to India, many of which would not admit of a circuitous voyage by way of America ; and, therefore, to evade his Majesty's Order in Council, they are cleared out for Madeira, and from thence, are cleared as goods shipped at Madeira for the Isle of France, Batavia, or Tranquebar. Contracts are made by the Company with the purchasers of their colonial commodities, for the delivery of the same at a stated price at Amsterdam ; also, for the supplies of teas and all other Asiatic productions, the whole of which is imported as neutral property in neutral ships.

Last year, the Company, speculating on an increased demand, arising from the measures taken by Bonaparté to prevent the introduction of India commodities into Europe, through England, sent circular letters to the American States, offering to all merchants trading to India, the Company's contract price for every cargo of



**APPENDIX** tea, &c. sent to Amsterdam; or otherwise, the advantage of the price obtained at the Company's sales, deducting only a certain commission. Another object of the Company, was to divert, if possible, the American trade from Antwerp, whose open market for the sale of India goods supplied by Americans, had seriously interfered with the monopoly of the Company.

From the following statement it appears how much the trade of the American States to China had increased up to the year 1805 :

In ten years previously to the Commutation Act taking place, viz. 1784, (by which the duty on teas was greatly reduced for the purpose of preventing the contraband trade in that article) the quantities of teas exported from Canton to Europe, were lbs.

By the Dutch, Danes, Swedes, &c. 134,698,900

By the English East India Company 54,506,144

In ten years, viz. from 1791 to 1800 ;

By the Dutch, Danes, Swedes, &c. 38,506,646

By the Americans - - - 27,350,900

By the English East India Company 228,826,616

The annual increase in the trade of the American States with China, in the article of tea, from 1791 to 1805 :

lbs.

1791 - - 743,100

2 - - 1,863,200

3 - - 1,538,400

4 - - 1,974,130

5 - - 1,438,270

6 - - 2,819,000

7 - - 3,450,000

8 - - 3,100,000

9 - - 5,674,000

1800 - - 4,749,000

1 No account received.

2 - - 5,392,400

3 - - 2,100,000

4 - - 10,519,000



It is asserted that, America now employs upwards of 150 sail of large ships in the East India and China trade, and that, the trade of the American States with the British dominions in India, and with China, exceeds that of Great Britain. The superior advantages, which foreign Americans possess over the English in this trade, enable them to supply foreign consumers with East India produce at a much cheaper rate than the British Company can possibly afford. — Without advert-  
*ing to the benefits which the merchants of the American States derive from peace insurance, and their evasion of the circuitous route,* it may be observed that, the neutral India trade is not shackled, like that of the British Company, by any compulsory obligation to make up the greater part of their outward freight with home manufactures. The Americans, for instance, carry their East India cargoes to the West Indies and South America, for the greater part of which they receive specie, and for the remainder they obtain a freight in every respect suitable to the East India market; whereas the British Company, compelled to take out British manufactures to a considerable amount, necessarily carry on the trade to a disadvantage. They cannot obtain teas in China, and manufactures in India, on equal terms with the Americans; the latter pay wholly in specie, while the Company is, in a manner, obliged to force on the Indian dealer, a certain quantity of British manufacture in part of payment. Now, as British manufactures are not in great demand in India, and consequently, cannot readily be converted into specie, the Indian dealer of course yields less of his commodities in barter, than the absolute value, a circumstance which does not attach to his intercourse with the Americans. It is well known that by specie alone can the East India and China trade be carried on most advantageously.



APPENDIX.    The great advantages which the opening of the India trade affords to neutrals, particularly to foreign Americans, have induced the transfer of British capital to the American States, to an extent far beyond what is generally supposed.\* In short, North and South America, and the West Indies, are now principally supplied with East India goods by foreign Americans ; they also supply a very large part of Europe. It may be further observed that, neutrals have every advantage in the East India trade, without contributing, in any shape, to the expense of the establishment, the whole of which falls on Great Britain.

It appears, therefore, that the renewal of the charter or agreement, obtained from the British East India Company, on the present open scale, must be highly objectionable.

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\* This, however, is well known to the government of that country ; and, in consequence, they expect that, the shew of a hostile disposition accompanied with threatened confiscation of British property, will make a great impression on the mercantile interest of Great Britain.



## POSTSCRIPT.

I HAD just finished the preceeding sheets, when new cir- POSTSCRIPT.  
 cumstances occurred to alter my opinion, not of the tem-  
 per, but of the prudence and good sense of foreign Ame-  
 rica. I had ventured to suppose that, the policy of that  
 country would have anxiously avoided any desperate mea-  
 sure of legislative hostility, or of embargoes and seques-  
 trations. But it begins to appear that I have indulged  
 on this subject, some delusive expectations. By a recent  
 message of President Jefferson to Congress, and by con-  
 sequent debates and resolutions, the disposition of the  
 American States towards this country, has been suf-  
 ficiently evinced. The President, it seems, has com-  
 plained, that the Belligerents, but particularly England,  
 have been guilty of practices, derogatory to the rights of  
 Neutrals, contrary to the laws and usages of Nations,  
 and ruinous to the lawful commerce and navigation of  
 the American States. And he further states to the  
 Congress, that “ the right of a neutral to carry on  
 “ commercial intercourse *with every part of the do-*  
 “ *minions of a Belligerent*, permitted by the laws of  
 “ the country (with the exception of blockaded ports  
 “ and contraband of war), was believed to have been  
 “ decided between Great Britain and America, and  
 “ that in consequence of the infraction of this right, he  
 “ has instructed the Minister Plenipotentiary of the  
 “ United States, at the Court of London, to remon-  
 “ strate with due zeal on this particular, and to insist  
 “ on rights too evident and too important to be sur-  
 “ rendered.” This message, we are informed, occu-  
 pied, for some days, the secret meetings of both Houses



POSTSCRIPT. of Congress, and a bill of a very singular nature, having been brought forward, in consequence, in the Lower House of Congress, it may not be wholly useless to devote some attention to the subject.

The language which Mr. President Jefferson has thought proper to use, on this occasion, is, though general in the terms, obviously hostile in the meaning. But, in the zeal of accusation, he has utterly overlooked the circumstances most intimately connected with the question which he has discussed ; and he loudly complains of the grievances endured by the States of America, without, in the slightest degree, advertng to the extreme relaxation by Great Britain, in favour of neutrals, of the rule already mentioned, of 1756 ; to the English orders, also already mentioned, of 1794, and 1798, by which so many new privileges have been conferred on neutral bottoms ; and to the countless frauds, practised in the very custom-houses, and under the very flag of the American States ; the false clearances, the pretended neutralization of hostile property, the fraudulent contracts of foreign American merchants for the produce of the Belligerent Colonies ; and the nominal purchases of vessels and cargoes from Batavia, cleared out from that settlement with bills of lading for New York, as if New York could require or pay for such commodities and vessels.\*

These concessions of Great Britain, these practices which her temporizing policy did not allow her to check, though they daily and mischievously affected her maritime rights, are considered as nothing by the commercial ambition of the American government ; but it will be

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\* These pretended purchases were frequent, and sometimes amounted to more than a million sterling.



reasonable to ask, if such concessions be insufficient, what submission, what degradation is required, and where is the expected humiliation of Great Britain to end? If we are to allow, as is demanded, the commercial intercourse of the neutrals *with every part of the dominions of the Belligerent*; or if, in other words, we are to permit the trade of the hostile colonies to be safely and effectually carried on with the enemy, under neutral flags, and if we are to suffer supplies of almost every kind to be brought without interruption into the Belligerent ports, according to the good will of the neutral, we are no longer to indulge the hope of distressing the commerce of the enemy, and we may, at once issue orders to our cruizers and our fleets to presume no longer to exercise the rights of maritime capture, or to interrupt in any degree the commerce of the enemy.

The President says that, articles of contraband and vessels attempting to enter into blockaded ports, are lawful prize. But the neutrals have taken care that such an admission shall be mischievous neither to them nor to the enemy. According to the definition which they have framed, blockade, in most instances, if not in all, would become absolutely impracticable; and so effectually have they curtailed their catalogue of contraband commodities, that few articles have been left under that denomination, liable to capture.\*

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\* It is laboriously maintained, that "the restrictions of contraband, as well as the obligation to suffer visit," are founded merely in the *conventional*, and not in the *natural* law of nations; and that no articles shall be accounted contraband, but "such as are *directly* destined for the use of war." Money, provisions, timber for building, masts, cordage, hemp, pitch, tar, sail-cloth, and every article of its own produce, in which a neutral nation carries on a trade with the enemy, are declared



POSTSCRIPT.

In his concession, therefore, on this subject, the American President has yielded little, but he has been on other occasions less cautious in his language. At present, he asserts "the right of the neutral to carry on commercial intercourse with every part of the dominion of the Belligerent, permitted by the laws of the country." In 1793, he admitted, on the contrary, that free bottoms did not make free goods, and, "that the goods of an enemy found in the vessel of a friend were lawful prize." At present he requires the American Plenipotentiary in England to insist on the right of neutrals to carry for the enemy, almost without restriction. In 1793, he assured Monsieur Genet, that a neutral has no right to carry for the enemy; that such carriage, when permitted by treaty, forms an exception to the general operation of the law of nations; and that the conduct of England in seizing on French property in neutral vessels afforded no real ground of complaint, and was perfectly consistent with the established rules of maritime law.†

But Mr. Jefferson has directed the Minister Plenipotentiary to *insist*—On what?—That Great Britain should renounce the maritime principles, on which she has so long and successfully conducted her military marine; or, in other words, sacrifice her courts of admiralty, the rights of capture, and the only means in her power of distressing the commerce of the enemy, at the high com-

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to be legally exempt from prize; and this doctrine is supported, not on arguments deduced from universal right, but on the authority of treaties which, at best, are but of conventional, local, and temporary force. See Dr. Schlegel on the Visitation of Neutral Vessels under Convoy, p. 15, 65, &c. &c.

† See State Papers published by order of Congress in 1794.



mand of the States of America. It is thought, perhaps, POSTSCRIPT.  
 that Great Britain, amid the embarrassments of a formidable war, will be less likely to resist demands even of this nature. But the choice of such a season for the loud, and, an Englishman would say, the presumptuous assertion of claims like these, intimates little but the ungenerous illiberality of temporary artifice; and we shall see whether Great Britain, the sole remaining assertor of the independence of Europe, has yet felt the necessity of listening and yielding to the *insisting* haughtiness of foreign American negotiation.

Great Britain, it is true, degraded by the imbecile policy which she has so often practised of late, has been contemptuously laughed at, “as walking with infirm steps, *in leading strings*,” exhibited as possessing “no regular system of maritime law;” and defamed as being regulated in her maritime proceedings, by occasional and fluctuating rules, adapted to, and prescribed by the circumstances of the moment.\* These upbraiding sarcasms may have been merited. England has, indeed, in a great degree, submitted to the worst of all mischiefs, “a commercial war and a military peace, a state of “things but just now seen in the world,”† and which cannot last long, without endangering the commerce, the strength, and the independence of Britain. Yet I will not suppose that she is reduced to the miserable necessity of submitting to the dictation of the States of America, or of submitting to a Plenipotentiary who is commanded to *insist*, not directed to negotiate.

I use this language because circumstances require it. The States of America have plainly told us, that their

\* See Dr. Schlegel's Treatise already quoted, p. 99, &c. &c.

† Sir William Scott, as quoted by Schlegel, p. 50.



**POSTSCRIPT.** legislature is capable of measures, repugnant to all the principles of civilized legislation, and little less hostile than an absolute declaration of war. By a late bill, which passed the Lower House of Congress, \* not only is the person who shall impress any seaman said to be of the United States, declared a pirate, under all the penalties of piracy; but, a pecuniary reward is offered to any such

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\* By this bill, which is termed a bill for the protection and indemnification of American seamen, it is declared, that "any person who shall impress any seaman on board any vessel bearing the flag of the United States, shall be adjudged a pirate and a felon, and on conviction suffer death;—that any American seaman shall not only be authorised to repel any person or persons who shall attempt to impress him, by shooting at or otherwise killing and destroying the said person or persons, but shall be entitled for doing so, to a bounty of two hundred dollars;—that if any seaman so impressed shall suffer death or other corporal punishment by the authority of the foreign Power into whose service he shall be forced, it shall be lawful for the President of the United States to cause the most rigorous and exact retaliation on any subject of that government, whom he is hereby authorised to seize and take for that purpose; that every American seaman heretofore or hereafter impressed to serve on board any foreign ship, shall be entitled to receive as an indemnification for his slavery, from the day of his imprisonment, the sum of sixty dollars per month, for every month he has or shall serve on board said ship, and which said sum he shall be entitled to recover by attachment of any private debt, due from any citizen of the United States, to any subject of that government by whose subjects he had been impressed;—and that so much of the treaty of London, of the 19th of Nov. 1794, as secured the inviolability of such debts as will be infringed by the attachments herein authorised, shall not be regarded as legally obligatory on the government or citizen of the United States."



seaman "to encourage him by shooting or otherwise, POSTSCRIPT.  
 "to kill and destroy any and every person who shall  
 "attempt to impress him;" not only is it declared,  
 that "if any seaman so impressed shall suffer death,  
 "or other corporal punishment, by the authority of the  
 "Power into whose service he shall be impressed, it  
 "shall be lawful for the President of the United States,  
 "to cause the most rigorous and exact retaliation on  
 "any subject of that government," but, an act of seques-  
 tration is pronounced in favor of such seamen, of the  
 property "of any of the subjects of that Power;"  
 and an essential article of a treaty, binding on two  
 parties, is arbitrarily and violently cancelled by one of  
 them.

This bill is confessedly pointed against Great Britain, and evidently formed on principles which have never been admitted by the legislature of the least civilized nation that has existed. On the principle of retaliation, it suspends a severe punishment over the head of every Briton resident in the American States; it goes to cancel the legitimate claims of the British creditor, and thereby to annihilate commercial credit; it menaces not only the guilty but the innocent; it encourages murder by a national bribe; and it impeaches and denies the authority of treaties, by showing that one nation may, in time of peace, and merely to extend a punishment, already outrageously severe for the offence, reject a solemn and important compact to which two nations had deliberately declared their assent.

And who are these seamen for whose liberty the States of America have indulged this ridiculous extravagance of legislation? Are they really the natives of her soil, her own citizens and artizans, born and bred under her laws, and attached to her institutions? On the contrary, they are the fishermen of British settlements, whom



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her bounties have seduced from the coasts of Nova Scotia or New Brunswick; they are the seamen of Great Britain, who have fled on board her vessels from the service of their country; they are the subjects of the British crown, whom she has been enabled by her easy admission into the ports of the British empire, to allure by prospects of gain and settlement, never to be fulfilled; they are the crowd of emigrants from Ireland and Scotland, whom, having first deceived by artful details of American felicity, she continues annually to carry off to supply the deficiency of her drudges and slaves. On this hord, thus seduced from their own land to toil in various ways, or navigate her vessels, care is taken to confer what are termed bills of naturalization; and from that moment, it is said, they cease to be Britons, and become foreign Americans. \* The subject of the British empire is thus magically transformed into a "citizen of the United States;" and, for the preservation of this new and curious citizenship, men are to be encouraged by bribes to assassination, property is to be sequestered, commercial credit vitally attacked, and the

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\* A large proportion of the seamen found in the foreign American prize ships, openly acknowledge themselves to have been British subjects before the war, but assert that they have become citizens of the States of America, by American naturalization. The certificates which they produce of their new citizenship, have been, on many occasions, admitted to be spurious, and sometimes to have been granted by the owners of public houses, for some trifling bribe. Even real certificates of naturalization, which are easily to be renewed, are frequently given or sold by the owners to the English stranger, who erases the name of the first owner, and inserts his own. The trials in our courts of Admiralty bear sufficient evidence of these practices.



solemn compact of treaties overthrown!—A proceeding more hostile and severe than ever was adopted against a declared enemy or rebel.

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If the American States had been injured, as they assert, they had to adopt either of two measures, negotiation or war. The British government has not been so much accustomed to refuse redress, as to deter the States of America from demanding it; or, if redress were not to be obtained by amicable adjustment, it was to be sought for from the just alternative of war. But, no!—The spirit of the trader is infused into American legislation. Violence is exercised, in the sole manner in which it was thought it might be exercised with impunity; and ignominious laws are menaced, which however they might avenge the exaggerated or imaginary evil of which the American States complain, would be considered as the disgrace, the scandal, or the burlesque of legislation. It would, however, be unjust to suppose that, the savage disposition announced in the bill alluded to, is general. To the overbearing few, only can be attributed, a spirit worse than fanatic; yet they have contrived to degrade the character of their country, and the disgrace will remain as long as the memory of it exists.

Not a vessel arrives from America that does not bring new accounts of some actual or intended proceeding in that country, hostile to the interests of Great Britain. The period, therefore, has arrived, when the British legislature can no longer temporize, and when no alternative is left between becoming firmness, and the imbecility of submission. We are not always, I hope, to be the party to offer the sacrifice, and to be burdened with the disgrace and with the cost. We are not perpetually to view with indifference that spirit of encroachment, that indiscriminate thirst of gain, that sordid



**POSTSCRIPT.** jealousy, which, from having already obtained so much, have only become frantic to obtain more, and which, having been fostered and cherished by our acquiescence, seem to rely on our weakness, for the last renunciation of maritime right. Continued concession on one side, can only stimulate continued encroachment on the other; and the sole return which political submission has to expect, is aggression, insult, and contempt.























